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## A HANDBOOK

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HANDBOOK TO  
POLITICAL QUESTIONS  
OF THE DAY,

AND THE ARGUMENTS ON EITHER SIDE,

*WITH AN INTRODUCTION,*

BY

SYDNEY BUXTON, M.P.

NINTH EDITION.

LONDON:  
JOHN MURRAY, ALBEMARLE STREET.  
1892.

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LONDON

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## PREFACE.



IN 1866, my father—Charles Buxton, M.P.—published a small book, entitled “Ideas of the Day on Policy,” the aim of which was to show what were the actual principles at that time swaying public opinion on the more important questions of the day.

That this book has been of use to many, by way of reference and help to the better understanding of political questions, I have often been assured; and it seemed to me, that, without infringing on the plan of the “Ideas,” there was room for a handbook on somewhat similar lines, which might be not altogether useless. Instead of the arguments being reduced to ideas, the arguments themselves, which govern each question, might be placed side by side, with the view of clearing the ground, and with the hope that some student of politics might be the better able to accept the true and reject the false, and so arrive at just conclusions.

In carrying out this intention, my plan has been to give the main and real arguments advanced on each side of the chief questions of domestic Policy. Each argument is capable of illustration, and in different minds they branch

out into varying forms ; but my endeavour has been to sketch the central stem only, from which all these various forms proceed. Where I have thought it advantageous, I have prefixed a short paragraph explanatory of the subject discussed, bringing it up to date.

No doubt many important arguments are overlooked, but in some cases an argument, supposed by the critic to have been omitted, may be really contained in one of those set out. I have endeavoured to be perfectly impartial, and to give every genuine argument which has been advanced on either side of each question ; it is probable, however, that I have fallen short of entire impartiality.

It will be seen that occasionally arguments used by some are cheek by jowl with those used by antagonistic others, and yet they are equally advanced to prove the same point. This is unavoidable, so long as men with different aims and views attack or defend the same citadel from opposite quarters.

I have confined myself to questions of Home Policy ; of these some more or less important have been perforce omitted, and the book in no way pretends to be complete.

I am much indebted to friends for advice and assistance.

SYDNEY BUXTON.

7, GROSVENOR CRESCENT,  
June, 1880.

## PREFACE TO EIGHTH EDITION.

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THE kind favour with which the "Handbook" has been received has enabled me from time to time to enlarge and to improve it. Each successive edition has contained more or less of fresh matter; new subjects have been added, the different sections have been revised, enlarged, and brought up to date, and in some cases entirely re-written; while sections on subjects that have become obsolete have been omitted.

The new subjects included in this edition are—*Legislative Interference in the Hours of Adult Males*, "Trade Option," *Miners' "Eight Hours Bill;"* *Registration Reform*, "One Man, One Vote," *Shorter Parliaments, Simultaneous Elections, Second Ballots; Municipal Home Rule for London*, "Water," "Gas," "Tramways," and "Markets;" *Taxation of Ground Values, Division of Rates between Owner and Occupier, Separate Assessment of Land and Building, the Taxation of Reversionists, the Rating of Vacant Lands, A Municipal Death Duty*, and "Betterment;" *Immigration of Pauper Aliens*.

Several sections have been, to a large extent, re-written, notably *Manhood Suffrage, Welsh Disestablishment, Payment of Members, House of Lords, "Compensation" to Liquor Trade, Sunday Closing of Public Houses*, etc. The omitted sections are those on *Proportional Representation, Free*

*Schools, (except historical), Ballot, Disfranchisement, Cremation, etc.*

It was in no way the object of this book, as some seem to have supposed, to point out which arguments are weighty, which worthless, which are sound, and which rotten; nor to arrange the arguments in the order of their importance. Its existence will, I think, have been justified, if it has been of any practical use to the public; and if, by showing how much sound argument can usually be urged on the "other side of the question," it has, in any degree, taught toleration.

I have cordially to thank friends and critics for the kind way in which they have received this work, and also for valuable suggestions towards its improvement.

S. B.

15, EATON PLACE,  
March, 1892.

## NOTE TO NINTH EDITION.

THE Eighth Edition has been so rapidly exhausted that there seems no necessity, though doubtless much need, of making any substantial alterations in this Edition. Some corrections have been made, and a few additional arguments inserted, but no new subject has been added.

I am often asked by my readers to say what is the most useful historical summary of political events. In my opinion, Acland's and Ransome's little "*Handbook of English Political History*," (Rivington's), best fulfils the qualification.

S. B.

October, 1892.

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## INTRODUCTION.

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WE are in this country fortunate enough to possess a system of party government, which, while it divides the political life of Great Britain into two or more parties, and gives rise to angry argument and heated discussion, does not degenerate into animosity. There is, consequently, nothing to prevent men of opposite modes of thought from remaining on amicable and intimate terms, or even from discussing temperately the questions on which they differ.

The reasons for the general absence of personal animosity between the rival political parties are not far to seek. In the first place, there is no diversity of opinion on the general question of the form of government best adapted for the country ; and, though the various Estates of the Realm, which together make up the body politic, may struggle for power and influence, and from time to time may vary in constitution, it is taken for granted that a Sovereign who reigns but does not govern, is for us the best Head of the State. The country is thus saved from any agitation and intrigue, having for its object a change of Dynasty, or the institution of a Republic ; and there is no Pretender caballing against the occupant of the throne. The Sovereign, and the supporters of the existing form of

government, have no need, therefore, to be constantly engaged in attempting to crush or paralyse the Opposition, in order to preserve their own power, or office; to save themselves from exile, imprisonment, perhaps even death. The Opposition, on their part, are not tempted to engage in secret plotting, to which they would be certain to descend, if the despairing conviction were forced upon them, that their only hope of participating in the government of the country, was by a complete upheaval and reversal of the existing state of things.

Then, again, there is no hopelessness in English politics. Though, from time to time, one of the two great parties in the State has been forced to linger for many a weary year in the cold shade of opposition, while the other has been enjoying the sweets of office and the fruits of victory, a turn of fortune's wheel has always come, sooner or later; the minority has converted itself into a majority, ousted the Government, and taken its seat on the Treasury bench. The party in opposition has the ever-present consciousness that within three or four, or at most six years, it will of necessity have an opportunity of appealing to the intellect, to the interests, or to the passions of the nation. The sanguine expectation of future success which animates politicians, whilst it keeps alive a knowledge of, and an interest in politics, and prevents the defeated party from descending to violence and intrigue, has also, in Parliament and out, a powerful moderating influence on the Opposition; inasmuch as they are aware that, at any moment, they may be called

upon to undertake the responsibilities and the cares of office.

Thus party contest, while occasionally effervescing and bubbling over unpleasantly, is honest, sober, and sedate at bottom, and mostly kept within reasonable bounds.

On the other hand, the historic past of the two great Parties, the genuine divergence of opinion and principle, the real interest which is taken in matters of policy and of politics, are sufficient to keep alive the rivalry between them in its best and most ennobling form, and to prevent it from degenerating into a mere conflict between the "ins" and the "outs." Other countries—more especially, perhaps, some of our own Colonies—point the moral for us, that where no traditional or fundamental difference of opinion or principle exists, party politics cannot flourish in a satisfactory form, but reduce themselves to the low level of personal strife, desire for place, the pitting of class against class—ignoble aims and sordid aspirations.

England is not likely to fall on such evil days. Even when the momentous question which now dominates English politics has been laid to rest, there will yet remain, awaiting solution, many great questions of national importance, involving principles and details on which the two parties conscientiously differ. Moreover, we may well believe that, with an Empire such as ours, when the questions of the immediate present, and those looming large in the distance, have been settled, others of equal moment will come to the fore.

Party government, as it exists amongst us, possesses this further incidental advantage, that each side is interested in the orderliness and intelligence of the other, whilst the country itself is almost as vitally concerned in the conduct of the Opposition as in that of the Government.

The stronger and more capable the Opposition—with due regard to the existence of a proper working majority on the Ministerial side—the better, more thorough, and lasting will be the work and legislation of the Government. A weak, lazy, or stupid Opposition, cannot exercise half the influence for good, either within or without the House, that will be exercised by one vigilant and strong. A Government which has to bear the brunt of intelligent, searching, and able criticism, will have a great additional inducement to propose well thought-out plans, high principled schemes, and measures which will commend themselves to the nation at large as well as to the Ministerialists.

Moreover, a well commanded, well drilled, and united Opposition will be less of a hindrance to the proper legislation of the Government, than one which is broken up into factions, has little respect for itself, and less regard for the dignity of the House. An Opposition such as this not only unreasonably delays the business of the nation, but brings discredit on itself and on the House of Commons.

In order to obtain an intelligent Opposition as well as a strong Government, the electors must be able to discriminate between the different parties, and to weigh the merits of different candidates. They must examine for themselves, as

best they can, each political question as it arises, so that—though they may not perhaps be able to make a very profound study of the situation—they may look at it from an intelligent and common-sense point of view, and cast their votes on the side which seems to them to be most in the right, and which, for the time being, appears to be most likely to promote the welfare of the country.

It cannot be to the interest of either party to veil the truth from the elector, or to keep him in darkness and ignorance. On the one hand, the Liberals may, and doubtless do, imagine that it is to their special interest that light should be shed, intelligence awakened, ignorance dispelled, and knowledge increased. They believe, or ought to believe, so firmly in the truth and vitality of their principles, as to be convinced that, the more these are studied and understood, the wider and more lasting will be their influence. Indeed, if they do not hold this faith, they are either hypocrites, false to their political creed, or meaningless repeaters of parrot cries.

But, on the other hand, the Conservatives must have the same implicit belief in the truth, justice, and eternity of the principles which they profess; and if they are convinced of the righteousness of their cause, they must rejoice to see just intelligence awakened and increased. They also must feel that the more capable a man is of thinking and understanding, the more will the doctrines in which they believe be acceptable and accepted by him.

If, then, it be allowed by the advocates of both parties—as it surely must be—that increased knowledge is an advantage; and if they hold—as they surely must—that the arguments advanced by their own side outweigh those which can be urged by the other, neither can shrink from the test of having these arguments placed fairly side by side, for both must be convinced that the mind of the intelligent and unprejudiced inquirer will incline towards their own creed.

Unfortunately—though the fact may not be without compensatory advantages—men are far too apt to make up their minds that they are in the right in thinking this or that, simply and solely because somebody else thinks it, or has thought it. Such men, no doubt, are not troubled with many qualms of conscience, but wrap themselves up in the impenetrable cloak of unthinking deference to authority of opinion, and, whilst professing to be open to conviction, stubbornly refuse to see that there can possibly be more than one side to a question.

Those, however, who take the trouble to examine both sides carefully, will be ready to admit the force of opposing arguments; and, when they have weighed them well, and after anxious doubt and laborious thought have made up their minds, they will feel that with themselves at least the stronger arguments have prevailed, and that their convictions are founded on truth and justice.

In no case can a man of intelligence allow himself to remain for ever doubting and hesitating; right or wrong, he finds ~~he~~

must range himself on one side or the other ; and the step once taken, his opinions naturally become stronger and stronger, he becomes more and more convinced that his party is in the right. It is well that this should be so, for without an instinctive inclination to believe in the truth of one's opinions, the mind would be enveloped in a mist of doubt, party government would be impossible, and politics would remain a chaos without form and void. "Very few," as Hartley Coleridge said, "can comprehend the whole truth ; and it much concerns the general interest that every portion of that truth should have interested and passionate advocates."

There exists, however, a class of men—a very large class—who knowing nothing and caring less about politics, are politically everything by turns and nothing long ; and who, unfortunately, make up in many constituencies the margin of voters who turn the scale of the election. These are the men whose wavering conviction opposing candidates must make it their business to arrest, by plying them with every argument that can fairly be urged, with the hope that one at least may strike home.

The spread of education, of newspapers and of literature, the increased means of communication and of locomotion, are gradually decreasing the numbers of this neutral host ; and no efforts should be spared on our part in enticing as many as we can of the soldiers composing this body to come over to us, and in ourselves enlisting recruits who would otherwise join its ranks. This army consists of men of all conditions in life, men of all degrees of knowledge, intelligence

and capacity ; a large part of it is distinctly mercenary. The more it can be reduced in numbers the less will be experienced the tremendous reverses of electoral fortune which have been seen of late years. Reverses which have been caused chiefly by a sudden whim, pique, fear, or hope, seizing this usually impassive body of men, and causing them to desert the side which they formerly supported, and to support the side which they had before opposed.

The sin which most besets party politics consists in this, that prejudice and passion too frequently warp the feeling and conduct of politicians.

In order to convince themselves that they are in the right, men are often led to speak ill of opponents in their public capacity, in a way which they would never think of doing, or dare to do, in the private relations of life. It is foolishness itself to impute to the other side motives which one must know would never actuate them as individuals ; and while arrogating to one's own party all virtue, infallibility, and prophetic foresight, to ascribe to his opponents political vice, stupid fallibility, and insane shortsightedness.

The difference between the principles held by Liberals and those held by Conservatives is not, except under the influence of excitement, asserted by either side to be the difference between right and wrong. It is frankly acknowledged to be but a conflicting idea, or a dissimilar point of view ; a belief on the one side in the beneficial results of action, on the other a dread of the evil results of great

changes—the whole tempered by the personal equation of the individual, by the constitutional difference of feeling and thought. The principles advanced by the two parties cannot be reconciled, and may differ almost fundamentally ; but they are, after all, founded on the same basis of supposed right, and the conception and realization of them is but a matter of degree. Every Englishman, whether he be Whig or Tory, Unionist or Home Ruler, Conservative, Liberal, or Radical, is actuated more or less by the same motives, though the conduct of one man may be governed by feelings and passions which another does not hold and cannot understand.

Even where it is evident that a man is personally interested in opposing a reform, we ought, before levelling insinuations against his good faith, to look around, and to see whether those who are supporting the measure are wholly free from personal bias, and are not themselves actuated by sinister interests of their own.

Toleration, indeed, in its largest sense, ought always to actuate public leaders as well as the rank and file, in word, action, and legislation. And the more it is recognised that on the merits of every question a great deal can be honestly urged from the opposite point of view, and that in many cases both opposer and supporter have right on their side, the more widely, one may hope, will political forbearance and consideration prevail.

But, though toleration should always be practised, and mutual recrimination, misrepresentation and abuse always

avoided ; we ought, at the same time, never to forget that there are cases in which, as Burke once said, "Temper is the state of mind suited to the occasion." Wrong is wrong, and right is right. There are evils that may not be patiently endured ; and, in spite of all we now-a-days hear of the heat to which political passion has risen, I am myself inclined to believe that we have among us too much of that lukewarm indifferentism which believes that there is nothing new, and nothing true, and that nothing matters very much.

# HANDBOOK TO POLITICAL QUESTIONS.

## HOME RULE.

---

It is proposed to create an Irish Parliament to sit in Dublin, which should have power to legislate on, and to regulate Irish Home affairs, leaving "Imperial" questions to be dealt with by the Imperial Parliament, sitting at Westminster. The Irish Executive to be responsible to the Irish Parliament alone.

This proposal is upheld on the grounds:—

1.—That it is desirable to institute some middle course between separation on the one hand, and over-centralisation on the other.

2.—(a) That each country is best able to manage her own domestic concerns; each has the right, and should have the liberty to do so. To force a detested system of government on an unwilling people, is contrary to the principle of constitutional freedom.

(b) That it is undesirable for one country virtually to control the domestic affairs of another.

(c) And this is more especially undesirable when the two countries differ radically in sentiment, character, and religion.

3.—That the control of the domestic affairs of one country by another, tends to emasculate its strength and stunt its growth ; while liberty and self-government foster intelligence, knowledge, and sobriety of mind.

4.—That the Union has brought neither loyalty, peace, nor strength. The attempt on the part of England to govern Ireland according to English ideas has been a disastrous failure ; and this, in spite of the fact, that some of our best men have applied themselves to the task.

5.—(a) That, though the Act of Union, fraudulently obtained, united the Legislatures, the nations were thereby divided. After ninety years of a “ united Parliament ” the integrity of the Empire is little more than a name.

(b) That the Union, as now established, is merely a “ Paper Union,” and has been only maintained by means of Coercion Acts repeatedly passed by Parliament against the will of the Irish people ; and without coercion, such an Union cannot hereafter be maintained.

6.—That the present state of affairs constitutes a grave military danger. Even when England is at peace, a large force is needed to keep Ireland in order, and England’s danger would be Ireland’s opportunity. In time of war, Ireland might welcome a descent of the enemy on her coasts, and allow herself to be made a base for offensive operations.

7.—(a) That the present state of things constitutes a grave political danger. Under existing circumstances, the presence of the Irish “ Nationalist ” members exercises a baneful influence on the efficiency, repute, and popularity of the House of Commons.

(b) That the Nationalist members are elected, not to assist, but to hinder legislation ; not to administer, but to prevent administration. And they have largely succeeded in paralysing legislation, and in reducing the party system to an unworkable absurdity.

(c) That "Ireland stops the way." Until Ireland has a Parliament of her own, the Imperial Parliament will never be master of itself. If England insists upon governing Ireland, Ireland will at least prevent England from governing herself.

8.—That the present state of things, by leading to continued agitation in Ireland, drives away capital, and distracts and impoverishes the country; thousands of Irishmen are in consequence annually driven from home, to carry abroad with them hatred and disaffection to England.

9.—(a) That, the "Union" having thus proved to be a failure, the Irish people are entitled to demand the restitution of their Parliament.

(b) That, after all, precedent is more on the side of the ancient Irish Parliament than on that of the modern "Union."

(c) That the old Irish Parliament, though returned by a corrupt and limited electorate, did a vast amount of useful work; and a successor, constructed on better lines and sounder principles, would be eminently efficient.

10.—(a) That in the past—for centuries past—England did vast and irreparable injury to Ireland; first, by wholesale confiscation, plantation of the English, transplantation of the Irish; then by fiscal legislation directed against her trade and commerce, and by penal legislation directed against religious liberty and equality; and, finally, by depriving her, through "means the most base and shameless,"\* of her legislative independence. For all this England owes reparation.

(b) That England was right first to attempt by the removal of material grievances—Land Laws, Church, Education, &c.—to win over the Irish people to English rule; but these reforms have totally failed in their object.

11.—(a) That the fact that the "Irish Question" is

\* Sir T. Erskine May. *Constitutional History*, iii., 332.

further from settlement now than it was before "remedial legislation" was begun, shows that we have not yet gone to the root of the matter. In fact, by the removal of other material grievances, the field for Home Rule agitation has been left clear.

(b) That, doubtless, the agitation for Home Rule is partly sentimental; but, after all, the world is largely governed by sentiment.

12.—(a) That the Irish people have never ceased to protest against the legislative Union; and, at no previous period, has the feeling in Ireland been so unanimously adverse to the present system of English rule, and in favour of Irish legislative independence.

(b) That this is conclusively proved by the result of the general elections of 1885 and 1886, and from every bye-election since. In 1885, the Irish people had, for the first time, an opportunity of constitutionally expressing their opinions; and by an overwhelming majority—eighty-five members to eighteen—they declared in favour of Home Rule; \* a verdict repeated and emphasized in 1886.

(c) That there never was in Parliament an Irish party so united on the question of Home Rule; and so little open to corrupt or party influences.

(d) That the position of affairs has thus materially altered of late; and it is impossible any longer to shut our eyes to the fact that we are face to face with a national feeling constitutionally expressed.

(e) That it is the duty of Parliament carefully to consider a question thus powerfully and constitutionally raised, and, if possible, to comply with the demands of such a large portion of the citizens of the United Kingdom.

\* In 1885 the Nationalists contested 89 seats in Ireland and won 85. They now (1892) still number 85; and, in spite of the split, no Home Rule seat has been lost at a bye-election.

13.—That it is a mockery to have greatly extended the franchise in Ireland, and then to pay no regard to the voice of the people constitutionally expressed.

14.—(a) That the Irish people have a passionate aspiration for self-government; and until this be conceded, they will never be content nor loyal to the Crown.

(b) That the existence of such a wide-spread feeling of nationality, leads the Irish to regard English domination as “Foreign” rule; and to consider it in the light of a tyranny and a burden.

15.—That constitutional government—*i.e.*, the government of a country in harmony with the feelings, the wants, and the wishes of the people—does not exist in Ireland.

16.—(a) That the presumption that “we can legislate better for the Irish than they can for themselves, is,” as Fox said, “a principle founded on the most arrogant despotism and tyranny.”

(b) That Great Britain, in her Irish legislation, has persistently ignored the fact of the existence of those differences of race, religion, habits, character, and sentiment which exist between Irishmen and Englishmen.

(c) That, by our Irish legislation, which, when conciliatory, has been given grudgingly, has usually been accompanied by coercion, and has not been by any means in accord with Irish opinion, and which, when coercive, has been absolutely antagonistic to Irish feeling, we have fomented the feeling of antagonism between the two nations.

(d) That, similarly, by our mode of centralised government for Ireland, by consistently disregarding the voice of the Irish representatives, by our administration of the law, by “Castle Rule,” by the refusal of municipal privileges and power, and (until recently) of an equal Parliamentary fran-

chise, we have accentuated the feeling that the government of Ireland is English and not Irish.

(c) That, more especially in the House of Lords, all Irish legislation is thrown out or grievously mutilated.

17.—(a) That, under the existing system of government, every Irishman who has the confidence of the Irish people is practically excluded from the smallest share in the administration of Ireland.\*

(b) That in Parliament itself, those who are least consulted in Irish legislation are the representatives of the Irish people.

18.—(a) That, in order to obtain willing obedience to the laws, they must be not only good laws, but laws made by the people themselves, and in conformity with their feelings and sentiment.

(b) That the Irish detest our laws, not because they are bad laws, nor because they are made by England, but because they are not made by Ireland.

(c) That, in consequence of the "foreign garb" in which the laws appear, and the idea that they are mostly dictated by an unpopular class or faction in Ireland, the Irish people as a whole, have, to a large extent, refused to obey them, and have preferred to bow to the behests of popular leaders or secret societies, and to obey their mandates.

19.—(a) That the English Government, being responsible for law and order, have been obliged to enact constant strict coercive criminal legislation, with suspension of constitutional freedom, and of liberty of person, speech, and press—legislation, which, though nominally directed against criminals, is really, under the peculiar condition of things existing

\* "An Irishman at this moment cannot move a step, he cannot lift a finger, in any parochial, municipal, or educational work, without being confronted with, interfered with, controlled by, an English official, appointed by a foreign Government, and without a shade or shadow of representative authority."—*Mr. Chamberlain at Holloway, June, 1885.*

in Ireland, directed against the people in general and their political leaders in particular.\*

(b) That this has been more peculiarly the case of late. The latest coercion Act, that of 1887, was especially directed to the suppression of the National League—*i.e.*, the suppression of an association representative of, and supported by the bulk of the Irish people at home and abroad.

(c) That most of those who have suffered under coercion Acts have been, not ordinary criminals, but “political offenders;” men of otherwise blameless character, but whom the Government of the day, responsible for the peace of Ireland, has found it necessary to prosecute and imprison; with the sole result of making them more dangerously popular, and more bitterly hostile.†

(d) That, thus, the enactment of criminal legislation is attributed by the Irish people, not to a just desire on the part of the English Government to maintain social order, but to a desire to repress the expression of legitimate demands. The difficulty of governing Ireland arises, not from the existence of crime, but from the existence of a national feeling opposed to England.

(e) That political and ordinary crime are thus confounded. The whole law is discredited, and the “village ruffian” finds his opportunity in the unhealthy state of society; with the

\* Such laws as the curfew law, the Arms Act, the power of search, the levy of a special police rate in a district in which a crime has been committed, the power of dispensing with juries—to quote from a few of the recent Coercion Acts—are clearly weapons directed, not against individual offenders, but against the bulk of the people. Innocent and guilty alike suffer, and bitterness against the law is produced. Between 1800, the date of the Union, and 1852, there has scarcely been a year free from exceptional criminal legislation.

† Of the sitting Nationalist members, over one-third have been either prosecuted or imprisoned, many more than once. Such men, too, as the late Daniel O’Connell, John Martin, John Mitchell, A. M. Sullivan, and hundreds of others of the same calibre and character, suffered under different coercive laws.

result, that the law has diminished in efficiency as it has increased in stringency.

20.—That, even if, for the moment, the Government are successful in maintaining the apparent supremacy of the law, it is, at the best, simply success in driving discontent and disloyalty beneath the surface, with the result of encouraging the formation of dangerous secret societies.

21.—(a) That such a state of things is most injurious to the character of the ruler, as well as of the ruled; and to it is largely due the “moral laxity” of the Irish people, so far as this exists.

(b) That a continuation of the system which has worked so disastrously can only lead to further deterioration of character on both sides.

22.—(a) That, in order to carry out these coercive laws, England has to keep a large military garrison in Ireland; and, at a cost of a million and a half a year, to maintain there some 13,000 constabulary, armed, not as in England merely with a truncheon, but with rifle, bayonet, and revolver.

(b) That, thus, the majesty of the law is represented to the ordinary Irishman by an English force, to which he gives unwilling obedience.

23.—(a) That, though a policy of “twenty years of resolute government” might succeed temporarily in keeping the Irish quiet, it is undesirable, inasmuch as it would give no scope to improvement in the Irish character, but rather the reverse; while it is practically unattainable, inasmuch as an adverse vote on some other question, or a general election, might bring it suddenly to an end.

(b) That a policy of Home Rule alone gives any prospect of finality.

24.—(a) That the primary purpose of government is the maintenance of social order. Social order can only be maintained by force or by contentment.

(b) That the policy of coercion has been worse than a failure. It moves in a vicious circle. Coercion leads to the necessity of further coercion. That which should be exceptional becomes habitual. Force has been conclusively shown to be not only no remedy, but positively an aggravation of the disease.

(c) That the grant of complete self-government to Ireland in Irish matters is the only possible alternative to a policy of coercion.

25.—That the grant of Home Rule involves no concession to crime, violence, or threats; it is an attempt to extinguish unlawful agitation by concession to a just demand.

26.—(a) That the concession of Home Rule will necessarily be attended with some risks. But it is a cardinal principle of the Liberal creed that liberty, self-government, and responsibility are eminently educating, elevating, and sobering.

(b) That by going to the root of the grievances of which the Irish complain; by giving them what they do want, instead of forcing on them what they do not want; by allowing them to have a government responsible to, and representing the Irish people; by stripping the law of its foreign garb and by giving it a domestic character; by treating them with confidence instead of with irritating suspicion and ill-concealed dislike: their disloyalty would be disarmed, discontent would be appeased, real social order would be attained, and good and harmonious relations would be established between Great Britain and Ireland.

(c) That already the change from a policy of despair to a policy of hope, and the expressed sympathy of a large portion of the English people, have had an extraordinary effect in calming agitation, and in promoting good-will between the two peoples.

27.—That the Irish people have always been singularly free

from ordinary crime ; and that, when they are themselves responsible for the peace and order of the country, they would be very strict in the enforcement of the law, and social order will be at once evolved.

28.—That an Irish Parliament sitting in Dublin, would naturally be better informed as to the wants and wishes of the Irish people than is the Imperial Parliament sitting at Westminster.

29.—(a) That until the experiment has been tried, it is absurd to say that the Irish people are incapable of self-government. The centralised system of English rule has so far made any experiment of the kind impossible.

(b) That to say the Irish shall not have self-government till they prove themselves capable of it, is to say that a man shall not go into the water until he can swim.

(c) That if the system of centralised government has sapped the self-reliance and independence of the Irish people, no time should be lost in altering the system before further harm be done.

(d) That Ireland has produced many of our greatest statesmen, soldiers, and administrators.

30.—(a) That it will be very much to the interest of the Irish themselves, who have clamoured for Home Rule, to prove, by making their Parliament a success, that they had good reason for their demand.

(b) That, as the constituencies would be interested in good legislation and administration, they would elect men of legislative and administrative capacity.

(c) That the responsibilities of office, and the necessity of initiating and carrying through legislation, the existence of a vigilant and active opposition, would have a moderating and sobering effect on the Irish representatives themselves.

31.—(a) That by associating in public work men of dif-

ferent classes and religions, existing class and religious hatreds and jealousies would be diminished.

(b) That the existing antagonism, and proportionate numbers, of the minority and majority, as now represented in the House of Commons, is certain not to continue in the Irish House. It is the demand for Home Rule, and that alone, which now unites different classes and interests—farmers, labourers, shopkeepers, &c.—in one common bond. This conceded, the existing majority would lose its cohesion, and would fall naturally into groups and sections, with different interests and different desires; and no one section would be strong enough—even if it so wished—to oppress the others.

32.—(a) That the different sects in Ireland, if left to themselves, would be perfectly willing and able to live together on terms of amity.<sup>†</sup> At present there is a temptation to quarrel; for the English Government, and not they, are responsible for public order.

(b) That, moreover, the position of the “loyal” minority is one of offensive privileged superiority. Remove the cause, and the antagonism between them and the majority disappears.

(c) That where the Catholics are in a majority, they have shown themselves in local matters tolerant and generous to the Protestant minority.

(d) That, in the past, since 1798, the leader of the Irish party for the time being, with the exception of O’Connell, has been a Protestant; a proof that religious animosity and intolerance is not a dominant factor in the Irish question.

(e) That the whole tendency of the time in Ireland,

\* This argument may be said to have been much emphasised of late, since the incidents of “Committee Room Fifteen.”

† The population of Ireland amounts (1891) to about 4,750,000, of whom some 3,750,000 are Catholics.

as elsewhere, is against sectarian intolerance or persecution.

33.—That, at present, if we are to believe what the “Loyalists” tell us, the condition of the minority could hardly be more pitiable, protected though they are by English force.

34.—(a) That, while more than half the population of Ulster is Protestant, more than half of its members are “Nationalists,” showing that a considerable proportion, even of Ulster Protestants, support Home Rule. Thus Ulster is not in antagonism to the rest of Ireland.

(b) That twenty years ago the Orangemen of Ulster declared that they would fight to the death to resist the disestablishment of the Irish Church, and their threats came to nothing—it will be the same in the case of an Irish Parliament.

35.—(a) That, though the desire for Home Rule is independent of the land question, this latter is, and will continue to be used as a powerful lever for Home Rule. It is at present to the interest of the Irish leaders to render the question insoluble; and, so long as the political question bars the way, the economic question cannot be settled. Remove the cause of agitation, and the land question would be settled by an Irish Parliament, representative of the different classes, on a basis just to all.

(b) That, at present, the Irish leaders have power without responsibility; give them responsibility as well, and they will find that the land question must be settled, and settled on a broad and just basis.

36.—That, the Crown retaining the right of veto, England would be in a position to prevent the enactment of unjust laws.

37.—That the prejudices of the minority ought not to outweigh the legitimate wishes of the majority.

38.—(a) That Home Rule, by making Ireland more coh-

tented and prosperous, would again attract capital into the country; absenteeism, with its attendant evils, would be diminished; and emigration would be discouraged.

(b) (By some.) That, even if the Irish Parliament imposed Protective duties, it would only be to re-establish those industries which England, by her selfish Protectionist policy, had formerly destroyed, and which, now-a-days, without some help from the State, cannot be revived.

39.—(a) That the transaction of Irish business at Dublin instead of at Westminster, would immensely expedite and cheapen such business.

(b) While it would, at the same time, relieve the overburdened Imperial Parliament.

40.—(a) That experience elsewhere shows that the concession of legislative self-government is the best cure for disloyalty and discontent.

(b) That fifty years ago Canada, as a Crown colony, was eminently disloyal: she is now, as a self-governing colony, eminently loyal and content.\* The prophecies freely made of the evils which would spring from the concession to Canada of Home Rule have been signally falsified.

(c) That the concession of self-government to our other Colonies has been followed by most satisfactory results.

(d) That, in the case of Sweden and Norway, of Austria and Hungary, of the Southern States of America after the war, loyalty and content followed the grant of self-government.

41.—(By some.) That Home Rule would be a great step towards "Imperial Federation"—the knitting together of all

\* Canada "did not get Home Rule because she was loyal and friendly"—she had, indeed, only just before risen in arms—"but she is loyal and friendly because she got Home Rule."—*Sir C. Gavan Duffy, "Contemporary Review," June, 1886.*

parts of the Empire by means of an Imperial Parliament: the best, perhaps the only, hope in the future of keeping this great Empire together.

42.—(a) That it is an essential condition of the problem of Home Rule that the proposal should be acceptable to, and accepted by, the Irish people.

(b) That an opportunity has lately arisen of settling the Irish Question on terms satisfactory to both nations, which it would be wrong and foolish to neglect.

43.—(a) That the rejection of a policy of conciliation and a further resort to coercion, would be playing into the hands of the most extreme, violent, and dangerous men—men who live by agitation, and batten on the hostility of Ireland to England. Constitutional action would have been proved to be useless, and resort to violence would be apparently the only resource left.

(b) That we have now to reckon, not only with the four millions of disaffected Irish in Ireland, but with double that number of Irish sympathisers in America and the Colonies; and who, in the event of renewed hostility between England and Ireland, would prove a formidable force antagonistic to England.

44.—(a) That while it is essential, it is also quite possible, in conceding Home Rule, to guarantee the maintenance of the integrity of the Empire and the supremacy of the Crown. Full legislative freedom to an Irish Parliament in Irish matters can be combined with full and complete Imperial control and autonomy.

(b) That, as the limits and extent of the powers of the Irish Parliament would be strictly defined, there would be no danger of their being overstepped; and there need be no collision with the Imperial Parliament.

(c) That the integrity of the Empire was not affected by the existence of the old Irish Parliament, though that possessed

powers much greater than those it is now proposed to concede.

45.—(a) That the fear of losing their Constitution would, even if no other reason existed, cause the Irish people loyally to observe its conditions.

(b) That, by going to the root of the evil, separation would be made not more, but less, likely; the Union would become a reality, and not a sham; and the Irish people would be more prosperous and more contented.

(c) That the pecuniary,\* personal, and political interests of Ireland are so much bound up with those of England, that, if self-government were granted, all interests would be opposed to a separatist agitation.

(d) That, even if the concession of Home Rule did not entirely extinguish all fanatics, rebels, and agitators, it would win over to the side of England vast numbers who are now opposed to English rule. With their support, Great Britain, herself united on the question, would be in a much stronger position to resist a separatist agitation than she is at present.

46.—(a) That Ireland could not afford to maintain herself as a separate and independent State.

(b) That her dream is to govern herself, and she would never consent to place herself under the power or protection of any other nation.

47.—That if Ireland still remained turbulent, discontented, and disloyal, Great Britain, retaining the ultimate power in her hands, could always resume her gift and return to the *status quo ante*.

48.—(By some.) That in many ways separation itself would be less of an evil to Ireland and less of a danger to England, than an indefinite prolongation of the existing

\* It is estimated that out of the thirty millions of Irish exports, thirty-nine fortieths are either consumed in England or pass through England.

state of things. Ireland is a source of weakness, and would constitute a grave danger to England in time of trouble ; while the agitation and insecurity which results from the existing relations between the two countries prevents all progress or prosperity in Ireland, and reacts on England.

49.—(a) That the concession of Home Rule, instead of lowering our prestige among foreign nations, would, by removing a great cause of weakness, strengthen our international position.

(b) That most of our Colonies heartily sympathise with the Irish aspirations.

50.—(a) That the grant of mere local self-government would do more harm than good. It would not meet Irish aspirations, nor make Ireland more loyal. Under existing circumstances, to give Ireland local self-government, and to give her nothing more, would in no way abate the discontent, but would merely supply further opportunities for its expression and indulgence.

(b) That under the extended powers of local government, which some propose as a substitute for Home Rule, the majority, who would still be discontented and disloyal, would (if so disposed) have very considerable powers of oppressing the minority, without let or hindrance. They would have the levying and the spending of all local taxes, they would have full control over educational matters, &c.

51.—That it is idle to hope or expect to be able to govern and legislate for Ireland exactly in every particular as for England and Scotland. The circumstances and surroundings are absolutely different.\* Moreover, the Irish people, if refused self-government, as they understand it, can and will force upon us the infliction of repressive legislation, and thus

\* In Great Britain volunteering is permitted and encouraged ; in Ireland it is forbidden. In Great Britain (excluding London) the police are under local control ; in Ireland they are under the Lord Lieutenant, &c.

at once the principle of equal legislation equally applied, is vitiated.

52.—(a) That the political, social, economical and geographical position of Ireland has been, and is, so essentially different from that of Scotland and Wales, that no analogy is possible between them.

(b) That, as a matter of fact, Scotland has not suffered materially from the lack of Home Rule, inasmuch as Scotch affairs, in the House of Commons, are practically settled by the Scotch members alone.

53.—That Great Britain has always sympathised with the aspirations of other nations, or races, for liberty and free institutions; she cannot consistently refuse to listen to the appeal when it proceeds from a portion of her own dominions; to practise what she has so often preached elsewhere.

On the other hand, any scheme of Home Rule to Ireland is opposed, on the grounds:—

1.—That no one portion of a kingdom has any absolute right to self-government, without regard to the welfare and security of the rest of the community. Three millions have no right to dictate to thirty-three.

2.—(a) That the principle of federation is to knit the confederated communities more closely together, whilst Home Rule is intended to relax a pre-existing bond; the one is consolidation, the other disintegration.

(b) That between countries so widely differing in sentiment, character, and religion, as England and Ireland, federalism is impossible.

(c) That the various forms of Federalism existing in foreign countries differ radically from that proposed for Ireland, and there is no analogy between them; while most of these Federations have passed through phases of internal

agitation, which, if the federated kingdoms had been in the relative positions of England and Ireland, would have ended in civil war.

3.—(By some.) That though it is very desirable that a well-matured scheme of Imperial Federation should be eventually carried out, it would be fatal to remodel the constitution at the bidding of a disaffected minority.

4.—(a) That the Colonies stand in an entirely different relation to England, geographically and socially, from that of Ireland; the Home Rule they possess bears no analogy to that demanded by Ireland. Not being represented in Parliament, the Colonies must necessarily possess a large measure of self-government; while Ireland, being vitally interested in all Imperial questions, would never consent to be placed on the footing of a Crown Colony, which governs itself but which is not represented in Imperial matters.

(b) That if, at any time, separation were to follow from the concession of Home Rule to the Colonies, it would be a misfortune, but the immediate advantages derived from the grant of self-government, outweigh the possible risks; in the case of Ireland, the risk is too great to be run. Geographical considerations cannot be subordinated to national sentiment.

(c) That the Channel Islands, and the Isle of Man, are so small and insignificant, that no possible danger can arise from their exercise of self-government.

5.—(a) That the Irish Union and the Scotch Union were wise and statesmanlike measures; inasmuch as they welded together the different parts of the now United Kingdom. Take it all round, the Irish Act of Union (as well as the Scotch) has been a success.

(b) (By some) That the Irish Act of Union may have been fraudulently obtained and a mistaken policy: but it

exists, and to weaken or to dissolve it now would be feeble and foolish.

6.—That only questions of detail can be settled by local bodies ; questions of principle must be settled by the whole nation on the broadest basis.

7.—That the principle of Home Rule cannot be considered apart from its details ; and the details of the only scheme of Home Rule so far offered to the public are impracticable.<sup>1</sup>

8.—(a) That Home Rule would involve a strictly defined and written constitution for England, as well as for Ireland ; while the merit of our constitution is that it is no constitution at all, and therefore eminently elastic, strong, and workable.

(b) That it would break the united Parliament into two distinct bodies, the Imperial executive into two separate executives, and sever the whole sphere of legislative government into two separate domains.

9.—(a) That it is impossible strictly to define the limits and powers of an Irish Parliament.

(b) That it is impossible to draw the line between local, domestic, private, and Imperial matters ; and constant disputes would arise on the subject.

10.—That any scheme of Home Rule involves either the retention at, or the exclusion from Westminster of the Irish members ; and to either alternative there are insuperable objections.<sup>2</sup>

11.—(a) That, by the nature of things, Ireland would have to pay an annual sum to the Imperial Exchequer. The difficulties of apportioning the National Debt and of fixing the amount of the Irish Contribution would be very great. The amount that might be just one year would not

<sup>1</sup> For the details of the Bill of 1886, see "*Mr. Gladstone's Home Rule Bill*," National Press Agency, Whitefriars, price 1d.

<sup>2</sup> See p. 29.

be so the next ; while, in years of distress, abatement might be demanded, coupled with a refusal to pay.

(b) That, in any case, the contribution would come to be looked upon as a "tribute," and an agitation against its payment would soon arise.

12.—That demands for further privileges and powers would constantly be made by the Irish Parliament. If these were refused, the friction between the two countries would ever tend to increase, and there would be imminent danger of civil war ; while, if the demands were conceded, Ireland would gradually obtain complete independence.

13.—That among the first demands of the Irish Parliament, would be the power to create a volunteer force, and to control the militia ; demands which of necessity would be refused ; and an irritating dead-lock would ensue.

14.—(a) That the Imperial Parliament never would nor could allow either the land question, or any question affecting religious equality, to be decided in accordance with Irish ideas ; and English interference in these matters, and the necessary exercise of the veto, would create intense bitterness against England.

(b) That in fact any exercise of the veto would cause irritation and a sense of injustice in Ireland ; and would soon lead to demands for entire independence.

15.—That either the Imperial Parliament would overshadow the Irish Parliament, and make it of little account, or constant conflicts would arise between the two rival bodies.

16.—That the Nationalist Party has no power and no authority to accept any measure as a final settlement. It is impossible, therefore, that there could be any guarantee of finality about any Home Rule measure.

17.—That the Imperial Parliament would have no means of compelling Ireland to adhere to the terms of the federal compact, except, in the very last resort, by levying war.

18.—(a) That it is not possible, under any system of Home Rule, to guarantee the integrity of the Empire and the supremacy of Parliament.

(b) That, until it can be satisfactorily shown that the concession of Home Rule would in no way menace the integrity of the Empire, the question is not one that ought to be considered.

19.—That the difficulty which has arisen with reference to the exclusion or retention of the Irish members in the Imperial Parliament, shows the impossibility of reconciling the creation of an Irish Parliament with the maintenance of the unity of the Empire and the supremacy of the Imperial Parliament.

20.—That the futility of all the so-called guarantees—provided in order to attain this object—would be proved on the first occasion of collision between Irish and English opinion.

21.—That Local liberty would diminish Imperial power, especially in the case of war.

22.—(a) That the existence of a powerful Central Body in Ireland would create a rallying-point for disaffection; and make any agitation or outbreak more formidable than at present.

(b) That in the event of war, a disaffected Irish Parliament would constitute a far more serious danger than could an unarmed and unorganized people.

(c) That even if, under ordinary circumstances, the English and Irish pulled together, in time of some great European excitement or contest, England being Protestant and Ireland being Roman Catholic, their aims and desires would come into active collision.

23.—(a) That the concession of Home Rule would be a serious confession of failure, and would do much to weaken the prestige of England among other nations.

(b) That it would be felt to be the beginning of the end ; the first step towards the disintegration of the Empire.

24.—That both the position and influence of the Empire among nations would be greatly weakened ; and her commercial supremacy and her influence for good, depend upon her strength and position being unimpaired.

25.—(a) That the often avowed, and real aim and object of the Nationalist Party in Ireland is Separation ; Home Rule is to them only a step towards the accomplishment of that object.

(b) That, in any case, nothing short of separation will satisfy the American Irish, who are the paymasters of the movement.

(c) That the fact that Ireland is in no way more loyal, and in no way grateful for the benefits and concessions already showered upon her, shows that she is incurably antagonistic to England.

26.—That if, as is argued, Ireland is to have Home Rule because she demands Home Rule, logically separation cannot be refused if she demands separation.

27.—That as Ireland would not be strong enough to maintain herself as an independent kingdom, she would endeavour to place herself under the protection of France or of the United States—and this could never be permitted, or, if permitted, would constitute a most serious menace to Great Britain.

28.—That, as a matter of fact, England could never permit separation, but the attempt to prevent it would lead to much bloodshed, and to increased enmity between the two countries.

29.—(By some.) That, in many ways, separation would be better than the indefinite and uncomfortable state of the relations which would exist between England and Ireland after the concession of Home Rule.

30.—(a) That it would be treacherous and cowardly of Great Britain to desert the minority—the Protestants—of Ireland, who have always been the loyal and industrious portion of the community, and who still desire to remain under English rule.

(b) That to constitute an Irish Parliament in Dublin, with full powers over all Irish matters, would be to hand over to the party of violence and disorder, the lives, property, and religious liberty of the loyal and law-abiding minority.

(c) That an Irish Parliament would unquestionably confiscate the property of the landlords.

(d) That, even if protection and compensation could be afforded to the landlords, England would be abandoning to the tender mercies of their bitterest enemies, a number of loyal persons scattered over the country, who, during the last few years, have been concerned, under English orders, —as judges, jurors, witnesses, or officials—in carrying out the administration of the law.

(e) That even now—even under the protection which the English Government can extend to them—the minority are persecuted by the “Nationalists.”

(f) That already—to judge from speech and newspaper—the majority are reckoning on the time when they will have the power of harrying the persons, confiscating the property, and harassing the trade of the minority.

31.—(a) That religious antagonism in Ireland is so bitter, that if Imperial control were withdrawn, strife would ensue; the Roman Catholics, being the majority, would swamp and oppress the Protestants, and religious hatred and jealousies would be intensified.

(b) That Home Rule would be Rome Rule.

32.—That, once constituted, it would be practically impossible for the Imperial Parliament to interfere with the

proceedings of the Irish Parliament, however unjust they might be to the minority.

33.—(a) That Ulster would resist, and rightly resist, to the death, the domination of a Dublin Parliament, and thus civil war would ensue, or we should be obliged to use force to put down that party in Ireland which alone has been loyal to this country.

(b) That, in any case, the majority of the people of Ulster would refuse to have any part or lot in the Dublin Parliament. Their abstention would either bring matters in Ireland to a deadlock, or they (the loyalists) would have to be coerced by England into the acceptance of a constitution that they abhorred.

34.—(a) That the Irish are, and have everywhere shown themselves to be by temperament, thriftless, improvident, deceitful, and totally incapable of self-government.

(b) That where they now have power over local matters, they job, mismanage, and spend extravagantly.

(c) That their Parliament, when they had one, was a disastrous failure.

(d) That the action and language of the Irish members in the House of Commons show that Ireland is unfit for Parliamentary institutions, and that the Irish leaders are unfit to govern.

(e) That neither the Irish people nor their leaders have sufficient regard for life, order, and property to fit them for self-government—witness Fenianism, agrarian crime, refusal to pay rent, persistent acquittal of criminals, dynamite outrages, &c.

35.—That an Irish Government would entirely ignore that which is the paramount duty of every Government—the maintenance of law and order.

36.—That an Irish Parliament would weaken the self-

reliance and self-help of the Irish nation by paternal and pauperising legislation.

37.—That the Irish Parliament—following the example of all young communities—would be protectionist, and differentially protectionist against England.

38.—That Home Rule would create a feeling of commercial insecurity, and thus capital would be still further repelled from Ireland.

39.—That Ireland is so much impoverished, and her credit would be so bad, that she could never raise enough money or revenue to meet her wants; she would therefore soon become bankrupt, disorder and distress would ensue, and England would have to come to her assistance.

40.—That there would be no security that the lighthouses, buoys, &c.—of vital importance to British commerce—would be kept in a state of efficiency.

41.—That instead of the legislation of an Irish Parliament tending towards the assimilation of the laws in England and Ireland, it would tend rather towards inequality and anomaly.

42.—That, though it is true, that we have, in times past, oppressed and misgoverned Ireland, this is no reason for now handing her over to what would be certain misgovernment.

43.—That England long ago expiated any wrongs she may have done to Ireland; she has conferred on her exceptional benefits, and is anxious fully to remedy any real or material grievances from which Ireland can be shown to be suffering.

44.—That it would be suicidal to risk the integrity of the Empire, the strength of England, and the happiness of the people of Ireland, on the mere chance of contenting a handful of professional agitators at home and abroad.

45.—That Home Rule would lead to the bitter disap-

pointment of sanguine expectations; the failure would be attributed to England; and, instead of contentment, there would be greater discontent, and the demand for separation would be strengthened.

46.—(a) That it is the first duty of any civilised government to enforce the law, and to maintain social order.

(b) That, in any case, before we can grant them further liberty and self-government, the Irish people must prove themselves willing to obey the laws of the country.

47.—(a) That so-called “coercion” is merely special criminal legislation, directed to the repression of exceptional crime and outrage, with which the ordinary law has proved itself unable to cope—coercion of the moonlighter and assassin.

(b) That exceptional legislation is required in the case of Ireland to prevent the unlawful coercion of individuals and classes.

(c) That in no case is the liberty of a law-abiding citizen curtailed by coercion.

(d) That if the Irish “will abandon the habit of mutilating, murdering, robbing, and of preventing honest persons who are attached to England from earning their livelihood,” there would be no need for coercion; but meanwhile coercion must be resolutely applied.\*

48.—That the right policy to be pursued towards the Irish is “that Parliament should enable the Government of England to govern Ireland. Apply that recipe honestly, consistently, and resolutely, for twenty years, and at the end of that time you will find that Ireland will be fit to accept any gifts in the way of local government or repeal of coercion laws that you may wish to give her. What she wants is government—government that does not flinch, that

\* Lord Salisbury at St. James’s Hall, May 17th, 1886.

does not vary—government that she cannot hope to beat down by agitations at Westminster—government that does not alter in its resolutions or its temperature by the party changes which take place at Westminster.”\*

49.—(a) That Ireland is surely, though very slowly, becoming more civilised and less criminal.

(b) That the present quiet state of Ireland is due to the firm application of coercion.

50.—That, if we have patience, and carry out a resolute policy, combining with it a plan of “equal laws, equally applied” to all parts of the United Kingdom, and the remedy of proved grievances, Irish disaffection will gradually disappear.

51.—That Scotland and Wales are contented and prosperous without Home Rule, yet they at one time were eminently disaffected.

52.—(a) That the Irish Question is economic, and not political.

(b) That if Ireland were fairly prosperous, and the discontent purely political, the remedy would be political too; but when, as is the case, the discontent is mainly due to economical causes, we cannot look with any reasonable hope to a purely political remedy.

53.—(a) That nobody really wants Home Rule. The movement is not a national one, but depends for its vitality on the land question; were the land question settled, the Home Rule movement would speedily collapse.

(b) That the Irish people are coerced into supporting Home Rule by the action of agitators, whose power rests on boycotting and violence.

(c) That the desire for Home Rule is merely a sentimental grievance.

\*

\* Lord Salisbury, at St. James's Hall, May 17th, 1886.

(d) That the Irish delight in political agitations, and manufacture grievances where none exist. Nothing will really content them.

54.—(a) That Ireland is not, and never has been, a nation.

(b) That if the question of nationality be raised at all, it cannot be denied that Ireland consists of two nations, and not one. If Home Rule be given to Ireland, Ulster, also, must have a separate Parliament.

55.—That the constitution of the old Irish Protestant Parliament was so entirely different from that proposed for the Irish Parliament of to-day, that no precedent for restoration can be founded on it.

56.—That, even with Home Rule, the Imperial Parliament would not be free of the Irish element, which would have to be represented, at least in Imperial matters; that, thus, the Irish would have more than their fair share of political power, while one of the chief arguments for Home Rule—that the Imperial Parliament would be quit of the Irish members—would not be fulfilled.

57.—(a) That to yield Home Rule because of the difficulties of the present situation would be pusillanimous.

(b) That, as a matter of fact, Ireland does not “stop the way.” It has of late been conclusively proved that Parliament can legislate, though Home Rule be refused. Parliament has shown itself to be quite capable of coping with the constitutional difficulties which have in the past been thrown in the way of legislation by the Nationalist members.

58.—That the concession of Home Rule would be a capitulation to sedition, violence, and crime—cowardly in itself, and creating a disastrous precedent.

59.—That the Americans, though for Party purposes they support the demands of the Irish, themselves entered on civil war rather than permit the secession of a portion of their empire.

60.—That the case for Home Rule is founded on “the mere unsupported assumptions of the maudlin optimism which passes for statesmanship in these days ;” \* whereas the case against it is founded on undeniable facts, social, political and economical.

61.—That if Home Rule be conceded in the case of Ireland, the fever of disintegration would not stop there. Scotland and Wales would also be induced to demand Home Rule, and the bonds between the different portions of the United Kingdom would be disastrously weakened.

#### IRISH MEMBERS IN IMPERIAL PARLIAMENT.

It may be well to give the arguments for and against the retention of the Irish members in the Imperial Parliament, which may arise in reference to any measure of Home Rule for Ireland.

The exclusion of the Irish members from the Imperial Parliament is urged on the grounds :—

1.—That the supremacy of Parliament, and the unity of the Empire, would be fully maintained by the restrictions which could be placed on the power and discretion of the Irish Parliament.

2.—That as the Irish contribution to the National Exchequer would probably be in the nature of a fixed sum, which could not be increased without the Irish assent ; as the Irish members would be excluded with their assent and at their desire ; as the arrangement with reference to

\* Lord Salisbury at Leeds, 18th June, 1886.

the collection of Customs and Excise would be a matter of mutual convenience; and as the Irish members would be recalled when any proposal were made affecting the taxation of Ireland, the question of taxation without representation would not arise.

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3.—(a) That it would not be possible—and if possible, very inexpedient—to distinguish between Imperial matters, on which the Irish members would be entitled to a voice, and local matters, on which they would not.

(b) That, even if a distinction could be drawn between local and Imperial matters, the presence of the Irish members would be an element of disturbance in the constitution. The Government might be in a majority on local matters, where the Irish members could not vote, and in a minority on Imperial matters where they could vote, and vice versâ.

4.—(a) That, if this distinction were not drawn, the Irish would obtain more than their fair share of representation; they would not only decide their own local affairs, but would practically control those of the rest of the kingdom as well.

(b) That such a position would be unjust, intolerable, and degrading to Great Britain.

5.—That it is possible to devise a plan whereby Ireland could maintain for her representatives a title to be heard on Imperial and reserved matters.

6.—(a) That to retain the Irish members in the House of Commons would keep up a feeling of irritation between the two countries. The temptation to the Irish to use their Imperial representation as a means of obtaining further concessions for Ireland would be extreme.

(b) That the Irish members would come to Westminster to fight out Irish, local, and personal quarrels.

(c) That, thus, one of the chief objects of the concession of an Irish Parliament—namely, to enable the Imperial Parlia-

ment undisturbed to apply itself to British legislation and Imperial policy, would be defeated.

7.—That their presence would necessarily involve the revision by the Imperial Parliament of all the Acts passed by the Irish Parliament, a proceeding that would inevitably lead to endless confusion and dispute.

8.—That the essential condition of the problem is that the proposal should be accepted by, and be acceptable to the Irish people: and they do not wish to be represented in the Imperial Parliament.

9.—That Ireland will require the services of all her best men in her own Legislature, especially at first—to restore order, to re-establish credit, to attract capital, to develop trade and industry, to smooth over religious and educational difficulties, to settle the Land question. It is better that Ireland should “keep her cream at home, and not only the skim milk.”

10.—That questions in dispute could always be settled by reviving the latent power of summoning back the Irish members to Westminster.

On the other hand, the proposal is objected to on the grounds:—

1.—(a) That to exclude the Irish members from the Imperial Parliament would cast a doubt on its supremacy, and would impair the unity of the Empire.

(b) That their presence at Westminster is an outward and visible sign of the supremacy of the Imperial Parliament, and the reality of the Union.

2.—(a) That with the Irish members included, the veto of the Imperial Parliament would be effective; excluded, it could never be effectively enforced; or, if attempted, the action would be considered as tyrannical.

•(b) That, included, subjects of dispute would be amicably

decided; excluded, they would cause dangerous irritation and agitation.

3.—(a) That to call upon Ireland to contribute towards the Imperial revenue, without allowing her Parliamentary representation, would be an abrogation of the constitutional doctrine that taxation and representation should go together.

(b) That, without representation, the contribution would soon be looked upon as a “tribute,” and an agitation against its payment would arise.

(c) That exclusion complicates, while inclusion would simplify, any fiscal arrangements with reference to the levying of Customs and Excise duties, &c.

4.—That exclusion, by depriving her of all concern in Imperial affairs, degrades Ireland to the position merely of a tributary Province; that, though the present Irish representatives apparently do not object to this degradation, they cannot bind the constituencies either now or in the future. Sooner or later the degradation would be felt, and resented, and the Irish, in order to remove the reproach, would clamour for separation.

5.—(a) That we have no right to strip Ireland of her Imperial titles, and to deprive her of all share in Imperial traditions or Imperial aims. The Empire belongs to the people of Ireland as well as to ourselves.

(b) That Great Britain cannot afford, in Imperial matters, to lose the assistance and advice of such a large proportion of her citizens.

6.—(a) That there would be no real difficulty in distinguishing between, and defining local and Imperial matters; Imperial matters would, in any case, have to be defined when the limits of the powers of the Irish Parliament were fixed.

(b) (By some.) That it would be possible to have different Sittings or Sessions for Domestic, and for Imperial matters;

the Irish representatives attending the one and not the other.

(c) (By others.) That no attempt should be made to reserve certain questions; the Irish members, if included at all, should be on the same footing as the other members.

7.—That the duty of legislation is not a privilege but a responsibility, and there would be no unfairness to the English, Scotch and Welsh members in increasing the duties of the Irish members.

8.—That included, the concession of Home Rule would be a step towards Imperial Federation; excluded, real Federation would be rendered impossible.

[There is a feeling on the part of many that the difficulty might be overcome by excluding the Irish members for a few years only, until their Parliament was in satisfactory working order.]

## CHURCH AND STATE.

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THE fundamental doctrines of the Church of England—which is Protestant Episcopal—were agreed upon in Convocation in 1562, and revised, and finally settled, in 1571 in the form of the Thirty-nine Articles. The Queen is the supreme Head of the Church, and possesses the right of nominating to the vacant archbishoprics and bishoprics.

There is no official record of the numbers of the members of the Church of England, or of the other religious bodies. Since 1831 no official returns of the revenues and properties of the Church of England have been issued, and it is therefore impossible to supply any authoritative statement, or even estimate, of the extent and value of the Church property.

The Church Enquiry Commission, appointed in 1831 to enquire into the revenues and patronage of the Established Church in England and Wales, gave the number of incumbents as 10,718, of curates 5,230, total say, 16,000; the number of glebe houses at 7,675, and benefices without glebe houses 2,878, total benefices 10,553.

The total net incomes of bishops and archbishops	at	£160,300
„ „ cathedral establishments	...	157,500
„ „ beneficed clergy, and curates		3,480,000

showing a total revenue of, say £3,800,000.

The most carefully prepared statistical estimate of the existing revenues and property of the Church of England is

that of Mr. Fred. Martin in his "Property and Revenues of the English Church Establishment."\*

The number of the clergy in 1875, according to an elaborate report compiled by Canon Ashwell from the "Clergy List," and other sources, and laid before a Select Committee of the House of Commons, was as follows:—

Church dignitaries	...	...	...	172
Incumbents holding benefices	...	...	...	13,300
Curates	...	...	...	5,765
				<hr/>
Clergy in churches, &c.	...	...	...	19,237
Ordained Schoolmasters and Teachers	...	...	...	709
Chaplains, Inspectors, &c.	...	...	...	165
Fellows of Universities, Missionaries, &c.	...	...	...	131
"Unattached Clergy"	...	...	...	3,893
				<hr/>
				5,501
				<hr/>
Total	...	...	...	24,738

The revenues of the beneficed clergy, as given in the "Clergy List" for 1880, are as follows:—

	Number.	Total revenue.	Average revenue.
		£	£
Benefices under £50	167	5,747	34
„ from 50 to £100	851	71,265	83
„ „ 100 to 200	3,034	150,991	118
„ „ 200 to 500	7,289	2,298,598	315
„ „ 500 to 1,000	1,913	1,238,766	617
„ of 1,000 and upwards	268	329,824	1,230
„ not valued	334	114,194	—
		<hr/>	<hr/>
Totals	13,525	£4,395,251	£325†

The ecclesiastical census of 1851 gives the latest official information respecting the number of religious edifices belonging to the Church of England, as follows:—

\* Edition, 1878.

† *Financial Reform Almanac*, 1881; Analysis of "Clergy List," p. 69.

			Number.
Churches existing at census of 1801	...	...	9,667
„ built between 1801 and 1811	...	...	55
„ „ „ 1811 and 1821	...	..	97
„ „ „ 1821 and 1831	...	...	276
„ „ „ 1831 and 1841	...	...	667
„ „ „ 1841 and 1851	...	...	4,197
„ „ at dates not mentioned	...	...	2,118

The number existing now is estimated at about 16,000.\* Various statutes have from time to time been promulgated with the view of assisting the erection or repair of churches from the public funds. In 1679 a rate was ordered to be levied to rebuild the churches of the City of London destroyed during the fire of 1666. Three years later it was followed by an Act imposing a tax on coals for the re-building of St. Paul's Cathedral and fifty other churches. Other Acts, with like intent, were passed during the reigns of James II., William III., Anne, and George I.; and in 1818 an Act was passed “to raise the sum of one million sterling for building and promoting the building of additional churches in populous parishes.” The census report of 1851 gave the following as the proportionate grants from public funds and private benefaction during the period from 1801–1851:—

		Grants from Public Funds.	Private Benefaction.	Total.
		£	£	£
Period 1801–1831	...	1,152,000	1,848,000	3,000,000
„ 1831–1851	...	511,400	5,575,600	6,087,000
Total	...	£1,663,400	£7,423,600	£9,087,000

The Church Building Commission, established by the statute of 1818, during the 38 years of its existence ending 1856, aided in the completion of 615 churches, with sittings for 600,000 people. This Commission was in 1856 merged

\* Martin, *Church Revenues, &c.*, ed. 1878, p. 98.

into the Ecclesiastical Commission, and from 1818 to 1879 the power entrusted to these bodies of forming new benefices and districts, was exercised to the extent of constituting 2,963 new districts. During the seventeen years, 1856 to 1874, the amount of benefactions offered by private individuals to the Commissioners, for the benefit of the church, amounted to £5,000,000.

In 1876 an official return was issued of churches built or restored since the year 1840, at a cost exceeding £500. The return (which was very imperfect) showed that, during these thirty-five years, 1,727 churches had been built, and 7,141 restored, at a cost of £25,500,000, or about £700,000 a year; and this sum was derived from voluntary offerings.

Mr. Martin estimates the number of glebe houses at 10,000, and their annual value at about a million sterling. The number of benefices producing tithes (inclusive of lay impropriations) also at 10,000, with a total tithe of £4,500,000 a year.\* The titheable land is about two-thirds of the whole. At the end of 1866—according to a Parliamentary return—the total rent-charge awarded in commutation of tithes amounted to £4,050,000. The levying and assignment of tithes has given rise to a vast amount of legislation, dating back as far as the ninth century.

The revenues which the Church derives from pew rents, offertories, and gifts cannot be estimated; they are of course purely voluntary offerings. It is estimated by the editor of the "Official Year Book" of the Church of England, that between 1860 and 1884 the voluntary contributions for sectarian purposes of members of the Church (including elementary education £21,360,000 and foreign missions £10,100,000) amounted to £81,573,000.

\* *Ib.*, pp. 107-103.

The summary of Church Property given by Mr. Martin is as follows, in round numbers :—

Landed Property (from the “New Domesday Book”) :—

Of Archbishops and bishops	...	...	30,200 acres
„ Deans and chapters	...	...	68,900 „
„ Ecclesiastical Commissioners	...	...	149,900 „
Under-valuation, omission of			
Metropolis, etc.	...	...	250,000 „

say 500,000 acres.

Revenues :—

			£
Annual income of 2 archbishops and 28 bishops	...	...	163,360
„ „ 27 chapters of deans and canons	...	...	123,200
„ incomes of parochial clergy ministering in 16,000 churches or chapels, chiefly derived from tithes			4,277,000
			<hr/>
			4,563,500
Annual value of 33 episcopal palaces	...	...	13,200
„ „ deaneries, etc.	...	...	56,800
„ „ glebe houses and of parochial clergy	...	...	750,000
			<hr/>
			£5,383,500

This total is exclusive of extra-cathedral revenues, of disbursements of Queen Anne's Bounty, of surplus income of Ecclesiastical Commissioners, estimated together at about £750,000. The total annual revenue may therefore be estimated at about £6,000,000, and the capital value at not less than £100,000,000.\*

There exists no basis of any kind on which to define, to distinguish between, or to estimate, the “old” and the “new” endowments of the Church.

\* *Idem*, pp. 133-136. On the same basis Mr. Arthur Arnold, in his *Business of Disestablishment* (1878), elaborately estimates the total revenues of the Church (irrespective of voluntary contributions) at £6,500,000 a year, and the capitalised value at £158,500,000.

It may be of interest to recapitulate the principal features of the Disestablishment and Disendowment of the Irish Church, so far as these would be likely to affect action in the case of the Church of England.

The Irish Church Act of 1869 provided that—(1) The Church of Ireland should cease to be established by law. (2) That no appointment to any preferment should in future be made by the Crown or the Ecclesiastical Corporation. (3) That every Ecclesiastical Corporation should be dissolved, and that the Bishops should no longer have the right of sitting in the House of Lords. (4) That the jurisdiction of the Ecclesiastical Courts should cease. (5) That the Church should be permitted to hold Synods and Conventions for framing regulations for the general management and government of the Church. But no alterations thus made in the ritual of the Church were to be binding on the existing incumbents.

A Commission was appointed, with full powers to carry out the Act, and in them was vested—(1) All the property of the Ecclesiastical Commissioners of Ireland. (2) All the property, real and personal, of the Church, subject to the life interest of the present holders. (3) The nett incomes of the existing holders was to be ascertained, and to be annually paid to them so long as they performed their duties. (4) The nett income of each curate was to be paid him; or the life interest, subject to the consent of the incumbent, could be commuted and paid to him in a lump sum at the ordinary rate of life annuities. (5) The nett income of each schoolmaster, clerk, sexton, &c., was to be ascertained, paid him, or commuted. (6) Tithe rent-charges could be commuted, on easy terms, at  $22\frac{1}{2}$  years' purchase. (7) The land vested in the Commissioners could be sold, and the existing tenants were to be offered the refusal of purchase on easy terms. (8) Any person feeling aggrieved by

the action of the Commissioners, could refer the question to arbitration.

A representative "Church Body" was incorporated by Law, and the Commissioners were empowered to deal directly with this Body, and to commute through them the annuities and life interests in ecclesiastical property created by the Act; the Church Body being bound to undertake the payment of the full annuity, so long as the annuitant required such payment to be made, though they could make any private arrangements they liked with him. Where three-fourths of the whole number of annuitants in a Diocese agreed to commute, the Commissioners were to pay to the Church Body a bonus of 12 per cent. on, and in addition to, the commutation money. The commutation moneys to be calculated at the rate of  $3\frac{1}{2}$  per cent.

As an equivalent for the private endowments of the Church, the Church Body received £500,000. All the plate, furniture, &c., belonging to any church or chapel, was left for the life enjoyment of existing incumbents, but was vested in the Church Body. All trusts for the poor were also vested in this Body, and were to continue unaffected.

As regard the ecclesiastical buildings:—

(1) All old churches in the nature of national monuments were to be maintained by the Commissioners. (2) Churches in actual use, and required for religious purposes, were, together with the schoolhouse and burial ground, to be vested in the Church Body. (3) Any church erected since 1800 at the expense of a private person, if not taken over by the Church Body, and if applied for by the donor or his representative, was to be vested in him. (4) All other churches were to be disposed of by the Commissioners as they thought best. (5) Any burial ground, not vested in the Church Body, was to be vested in the Poor Law Guardians, and be kept in repair by them. (6) Any ecclesiastical residence and with

garden 'curtilage' could be purchased by the Church Body at ten years' purchase; in addition they could buy, at a price to be settled by arbitration, an additional 30 acres.

The capital sum, representing the commutation of annuities, paid over to the Church Body, amounted to £7,560,000, the number of annuitants being 2,060; the annuities, for which the Church Body thus made itself responsible, amounted to £591,000; the number of years' purchase averaged 12·8; the age of annuitants averaged 56.

The annuities for which the Church Body were liable thus amounted to an equivalent of eight per cent. on the capital received. The Church Body were enabled to invest the money at four per cent., and the laity, responding to their call, subscribed the remaining four per cent., required in order that, while the annuities should be paid, the capital should be kept intact.

Subsequently, when it appeared that many of the clergy were superfluous, the Church Body further commuted directly with these persons, but on terms less favourable than that of the general commutation. Thus, by 1877, the number of annuitants was reduced to 1052, and the composition balance acquired by the Church amounted to £1,300,000.

#### DISESTABLISHMENT.\*

The proposal to sever all connection between Church and State, both in Scotland, Wales, and England, is upheld on the grounds :—

1. —That the objects of the State and of the Church do not

\* The arguments for and against Disendowment must be taken along with those for and against Disestablishment.

run on parallel lines. The law regards certain actions as crimes, and forbids them for the sake of the Community; Religion regards them as sins, and forbids them for the sake of the Individual himself.

2.—That as all men are not religious, while all are equally desirous to be protected by the State, it should not mix up its Civil with its Religious functions; but should be purely secular.

3.—(a) That the National Church was in former times founded on the idea that all citizens were of the same creed; she thus expressed a national faith, and aimed at national unity of belief, and uniformity of worship. Such aims are no longer attainable; and “establishment” now merely means the exclusive alliance of the State with one religious denomination amongst many, together with a State assertion that that particular form of religion is the only true one.

(b) That when the King was supreme governor over both Church and State, their connection was a natural consequence. But now, that the Sovereign is no longer ruler by Divine Right, and Parliament is omnipotent, the connection has become an anomaly; it is an attempt “to work the Tudor supremacy through manhood suffrage.”

(c) That so long as the Church is connected with the State, the higher ecclesiastical rulers must be appointed on the advice of the Prime Minister, who is not necessarily a member of the Church of England, is possibly not even a Christian; while many “livings” will remain in the gift of the Crown, of the Lord Chancellor, or of the Chancellor of the Duchy.

4.—(a) That the connection of Church and State causes, not the spiritualization of the State, but simply the secularization of the Church; where political and ecclesiastical

powers are exercised by the same hands, the former are sure to prevail over the latter.

(b) That an Established Church is a Church in fetters. The law is not only the last, but the first resort in all ecclesiastical differences—to the great spiritual disadvantage of the Church.

(c) That as long as the Church is bound up with the State it must be controlled in every particular by the State, *i.e.*, by Parliament; and Parliament, being increasingly composed of members of divers sects and creeds, many of them hostile to the Establishment, or even to religion, is a body eminently unfit to govern the Church, or to legislate on religious questions.

(d) That being thus tied and bound in every way, a State religion tends to become colourless, stereotyped, and antiquated; it loses its touch with, and hold over the people, and no longer attracts to its service able and broad-minded men.

(e) That, consequently, on the one hand, apathy, and on the other, narrow-mindedness and sacerdotalism, are rapidly increasing in the Church; while, if she were Disestablished, and free to manage her own affairs, her doctrine would be placed on a broader and freer basis.

5.—That it is contrary to religion that the secular power should have any voice at all in religious matters; the Church ought in no way to be placed under the control of the State. It is thereby as likely to be fostering error as to be upholding the true form of religion.

6.—(a) That the Church will either hold her own, and no harm will be done; or else the State is artificially supporting a religious system which could not otherwise exist, because out of harmony with the wants and spirit of the age.

(b) That if the Church is unable to hold her own

without State support, it proves that she is rotten to the core—and if rotten she ought to be swept away.

7.—(a) That religious equality does not mean equality of sects, but equal treatment of all sects by the State.

(b) That while the State should be tolerant of all religious sects, it ought not to choose out for support any special Denomination. In so doing, the State outstrips its true field of work, and trespasses on freedom of religious thought, and on the principle of religious equality, if not directly, at all events indirectly. For State recognition of a special Church, by taking her under protection, by ensuring her the possession of vast property, by placing her ministers in a position of superiority,<sup>1</sup> places those who do not belong to her communion, or who desire to leave her fold, in a position of exceptional pecuniary and social disadvantage.

(c) That this direct and indirect pressure to remain in, or to join the State Church, is an injustice to other Churches; and all State institutions should be founded on the principle of impartial justice.

8.—(a) That religion itself is injured by its association with injustice.

(b) That the State recognition of one Denomination injures those whom it favours, and depresses and angers those whom it wrongs—whereby religious strife is perpetuated.

(c) That a State-privileged Church divides instead of uniting the Community.

\* For instance, the Bishops sit in the House of Lords, "the Church dignitaries and the Clergy exercise authority vested in them by the State. They alone can conduct religious services of a national character, and can occupy the pulpits of cathedrals and other national ecclesiastical edifices. They are the chairmen of parish vestries, trustees of parochial charities, and custodians of the ancient parochial burial places. They hold the greater part of the chaplaincies, the masterships of public schools, and school inspectorships, and largely control the educational machinery of the country." —*Disestablishment* ("Imperial Parl. Series"), by Henry Richard and Carvell Williams, p. 73.

(d) That if dissenters were relieved from an irritating injustice, and churchmen deprived of a position of superiority, religious differences would lose much of their sting, social exclusiveness would be diminished, and the artificial barriers which now keep good men apart would be broken down.

9.—That under the present system the Church is in a state of anarchy ; none govern, and none obey ; rules and regulations cannot be enforced.

10.—(a) That, under the present system, presentations to Church livings are bought and sold, quite irrespective of the fitness of the clergyman or the wishes of the congregation.

(b) That the presentation to livings is in very many cases in the hands of unfit patrons.

11.—(a) That the congregation have no power of choice in their minister, nor control over those who appoint him; once appointed, unless he commit an illegal action, neither they, nor the bishops, have power to free themselves from him, however objectionable he may be to them either in doctrine or habit.

(b) That thus, in many parishes, there are incumbents utterly unfitted for their duties, either through physical incapacity, or because of want of sympathy with their parishioners—to the great detriment of the Church and of religion.

12.--That there is no hope of remedying this state of things by internal reform, because Churchmen will not accept, and non-churchmen are not concerned to press for, Church Reform.

13.—That the Church, as a State Church, has failed to do the good which from her position, privileges, and wealth, she ought to have done.

14.—That, at present, the Church is not a real Church of the people—it is not founded on popular sympathy and esteem.

15.—(a) That while there is great force in the " " " "

the parish" argument, as affecting the country districts,\* the clergy, as a matter of fact, have on the whole neglected the agricultural labourer and the poorer classes, have taken but little interest in their temporal welfare or social improvement, and have purposely kept them in a state of political ignorance and darkness.

(b) That the so-called "civilizing agency" does not civilize, as witness the ignorance, the apathy, and social stagnation of very many country districts.

16.—(a) That instead of taking up a catholic position, and welcoming help in spiritual improvement, the spiritual influence and energy of these clergy is chiefly directed against Dissent.

(b) That they have, as a rule, used the charities and funds placed at their disposal as "fetters to bind in slavery and serfdom the poor mendicants to whom they administer the charities;" † while these are too often so administered as to have a most demoralizing effect.

17.—That where the clergy have been benevolent and civilizing, their influence for good has arisen from their being good men, and ministers of religion, not from their being State servants. The good results that have ensued, have come about, not in consequence of the connection between Church and State, but in spite of its narrowing and numbing influence.

18.—That the opinion of those chiefly affected is clear from the fact that most of the new, especially the agricultural, voters (enfranchised in 1835) are in favour of Disestablishment. They are now for the first time in a position to make their opinion felt, and it is clearly very adverse to that State Church which is supposed to exist for their special benefit.

19.—That no real fear need be entertained that the poor

\* See No. 5, against Disestablishment.

† Joseph Arch, at Sheffield, Feb. 1, 1876.

would be neglected by the Church, if it became a Voluntary Church. The existing voluntary bodies certainly do not neglect the very poor; and many of them (especially in Wales) are composed almost exclusively of the working classes.

20.—(a) That “Establishment” and “Church” are not synonymous terms. Disestablishment would not affect (except to increase) the power of the church to do good: it would affect only her legal and political position.

(b) That the real sources of the power of the Church of England lie in her doctrines, her modes of worship, her organization, her self-sacrificing ministry, her zealous and generous laity, not in the fact of the Headship of the Crown, the Bishops in the House of Lords, the legal privileges of the Clergy, Acts of Parliament, &c.

(c) That Disestablishment would not destroy the machinery of the Church; and it is a gross libel on the Church, and on the religious feeling in England, to assert that the Church, if disestablished, would abandon its work. If the country continues religious, Disestablishment will not tend to make her irreligious.

21.—(a) That there is much more vitality in a religion voluntarily supported, than in one largely endowed.

(b) That the frequent abridgments of the prerogatives of the Establishment which have taken place of late years have been contemporaneous with an increase in her spiritual strength and voluntary support.

22.—(a) That if the Church were liberated from the shackles now laid upon her by the State, she would be freer to do good, would be able to organize and consolidate her forces, and to distribute them more according to the needs of the people. At present she too often squanders her strength in places where it is out of all proportion to local requirements, or even does more harm than good, and this simply because of the existence of a “living.”

(b) That under a voluntary system, if a clergyman did no work, neither would he be paid : at present much money which should be devoted to religious purposes, is absorbed by *fainçants*, or worse.

23.—(a) That the withdrawal of State recognition from the Church, by placing her on a more even footing with her competitors, would increase friendly rivalry and competition, would tend to make each and all bestir themselves ; and religious life would be quickened and extended. The less the State does, the more will voluntary effort accomplish : ease weakens, hardship strengthens religious zeal.

(b) That there would be less religious persecution and more hearty co-operation between the different sects.

(c) That the members of the Church, who now have comparatively few calls upon them, would be induced (emulating the example of the Dissenters) to subscribe liberally to her funds.

(d) That, thus, instead of the neglect of the poor anticipated by some, there would be active competition to enlist their sympathies, and not, as now, an assumption that they belonged to the State Church.

24.—That the fear some express lest the sacred buildings should be put to unseemly uses, is simply preposterous. The natural religious and reverential feeling of Englishmen is totally opposed to any such desecration ; and, as it would rest with Parliament to determine the ultimate disposal of these buildings, Parliament may be trusted to act in accordance with public feeling. Moreover, the churches would as a rule still remain the property of the Church of England.

25.—That in a Disestablished Voluntary Church the laity would obtain the influence and the voice in Church matters to which they are entitled, and of which they are at present deprived.

26.—(a) That the governing Church Body of the Disestablished Church, constituted as it would be with a majority of its members laymen, would fully represent the views of the laity; and, while keeping the clergy in check, would be able to initiate reforms where thought expedient, both in doctrine, discipline, and administration. At present, even though laity and clergy agree, the Church herself is utterly impotent to effect much-needed internal reforms. Substantial reforms, even in minute particulars, still less in great matters, cannot be adopted without the cumbrous machinery of an Act of Parliament; the result being that they are left undone.

(b) That such a Church Body, composed as it would be of able, zealous and educated Churchmen possessing administrative ability, wealth and influence, would be a body eminently suited to manage Church affairs.

(c) That the form of worship would be made more elastic, and the ritual would be better adapted to the times.

(d) That promotion would be more according to merit. Patrons would disappear, and congregations would seek out efficient men; while the Central Body would be in a position to compare the merits of individual clergy.

27.—That the disestablishment and disendowment of the Irish Church has proved in every way a satisfactory precedent.

28.—That the non-existence of an Established Church in America and the Colonies has been attended by many advantages.

29.—(By some.) That, at present, instead of the Church being a bulwark against Papal aggression, she has become a nursery for Roman Catholicism.

30.—That the question of the Protestant succession is in these days a matter of small moment.

31.—(a) That the Established Church (more especially

with regard to Scotland and Wales) is the Church of a minority, and the numbers of her flock are diminishing.\*

(b) That unless an Established Church is the Church of a majority—of an overwhelming majority—her existence cannot be justified.

32.—(a) That the influence of the Church of England, as an Establishment, has always been in opposition to the fuller and freer development of national life.

(b) That the State-paid clergy form a compact and powerful force always opposed to progress.

33.—That it would be a great relief to the overworked Parliament to be entirely free from all ecclesiastical questions.

34.—That if the reform is to come, it is better to prevent excitement and bitterness on the subject by calm anticipatory legislation.

The connection between Church and State is upheld on the grounds :—

1.—(a) That the State, as a State, while practising absolute toleration, must be religious, and must therefore profess and uphold some religious faith.

\* This is denied, at least as regards England. There are, however, no official figures on which can be founded any calculation of the relative numbers of the Church and of Dissent. "The Public Worship Census" report of 1851 (the last taken) can hardly be relied upon as sufficient evidence, and is now entirely out of date. It showed, however, that while in 1801 the provision of sittings in places of worship in England and Wales was

Church of England ... ..	4,069,281
Other places of worship ... ..	963,169
	<hr/> 5,032,450

In 1851 the relative numbers were—

Church of England ... ..	5,317,915
Other places of worship ... ..	4,894,648
	<hr/> 10,212,563

The latter with a population of 18,000,000.

(b) That to break the connection between Church and State would be to discourage religion, and to encourage atheism.

2.—(a) (By some.) That each man is bound to yield up his mind to the teaching of the Church, and has no right to choose out another faith for himself; or, at any rate, has no claim to have his dissent recognized by the State, which, being in union with the Church, professes her faith and none other.

(b) (By others.) That though the State may tolerate, it must in no way recognize dissent from the Established Church.

3.—That it is better that religious worship should be regulated by the law, than that it should be left altogether to individual clergy.

4.—That as an Established Church is a vital part of our institutions, and bestows great blessings on the whole people, the advantages of its existence more than counterweigh the consequent disadvantages of religious inequality.

5.—(a) That so long as there is an Established Church, every individual in the kingdom, whether he belong to any denomination or no, who may be suffering from spiritual distress, has an official spiritual counsellor to whom he has a right to apply; and a Church accessible to him for all purposes of worship.

(b) That not only in religious matters, but in every-day life, the existence of a State-paid clergyman to whom every parishioner can apply is an enormous advantage, especially to the poorer classes; and a guarantee of social progress.

(c) That the poor gain greatly from the parochial system; under it the clergyman is the dispenser of the gifts and philanthropy of the rich for the benefit of the poor.

6.—That the vast majority of the people are directly or indirectly attached by some tie to the Church. The tie being less binding than would be the case in a voluntary association, many persons, to their spiritual advantage, can belong to the Church so long as it is in connection with the State, but not otherwise.

7.—That under a purely voluntary system the clergy would be only really accessible to the members, or possible members, of their flocks ; their public functions would disappear.

8.—(a) And, that, as the different churches would be sustained by voluntary subscriptions, the clergy would have to bid for the support of those with means. This “begging system” would degrade the character of the clergy ; and their time and attention being thus largely absorbed, the poor, the indifferent, those who cannot or will not contribute, those in short who are especially in need of spiritual aid or seasonable advice, would be perforce neglected.

(b) That a clergyman would have to devote himself to the preaching of popular sermons, and would perforce neglect his functions as a minister and servant of the poor.

9.—That under every voluntary system the clergy tend to become more and more mere servants of their congregations, and much freedom of thought, liberty of ideas, and elevation of mind, are thus suppressed and lost. Union with the State is the only way of securing real freedom of jurisdiction to the Church as a whole, and of preventing intolerance and narrow-mindedness.

10.—(a) (By some.) That the Church would be impoverished, and only able to offer small stipends, and would therefore attract a lower and less educated class of men to her ministry, and religion would grievously suffer in consequence.

(b) And that she would, through lack of means, be obliged

to a considerable extent to contract her operations, both religious and educational, with the same disastrous results.

(c) That in many parishes the clergyman is the sole centre of civilizing influence; disestablishment, by contracting the operations of the Church, and by attracting a less educated class of men, would injuriously diminish this invaluable influence.

11.—(a) (On the other hand, many are possessed with the idea) That the disestablished Church Body being left, as it would be, with large and uncontrolled powers, and having at its disposal a very considerable capital,\* would inevitably tend to become an exclusively, or predominantly, clerical body; the control of the State over the clergy can alone uphold the interests and influence of the laity.

(b) That those who differed from the dictum of the Church Body would be driven out of the fold, and the Church would split up into innumerable fragments; intolerance and strife would be increased and perpetuated.

(c) That the connection of Church and State is the best guarantee that the religion of the country will be kept broad and comprehensive; while it secures a certain amount of liberty and freedom from ecclesiastical tyranny and dogmatism.

12.—(By some.) That the existence of such a wealthy, powerful, and independent body as the Church would become if disestablished, might be dangerous to the Commonwealth itself.

13.—That if the Church obtained perfect independence of action, her conflict with Dissent would be sharpened and embittered.

\* Mr. Gladstone (May 16, 1873) made a computation that, if the disendowment of the Church of England were carried out with the same liberality as that of the Irish Church, she would be left with a capital of £90,000,000.

14.—That as all religious disabilities are now removed ; and as every one is free to remain in the Church, or free to leave, and as her ordinances are not forced on any person, the presence of an Established Church in no way affects the question of religious liberty or equality. The supposed hardship is, therefore, no more than a sentimental grievance.

15.—That the grievances of the Dissenters are at the best merely sentimental ; and any sectarian grievances which still remain, can be better remedied by Reform than by Disestablishment.

16.—That admitted scandals or anomalies, or anachronisms in Church doctrine, discipline or administration, can be remedied, and are more likely to be remedied, if the Church retains her connection with the State.

17.—(a) That the Church of England, established or disestablished, will always be superior to other sects by reason of the culture of her clergy, and the better social position of her members.

(b) That, disestablished, the clergy of the Church would tend to become still more of a caste than they are at present ; “social exclusiveness” would not be diminished.

18.—That the Church may, in the past, have been apathetic, but her members are now active, devoted, zealous and liberal.

19.—That with the question of Disestablishment is necessarily connected the question of Disendowment ; and the difficulties attending the possession of the Church buildings, the commutation of endowments, &c., are insuperable.

20.—(By some.) (a) That it is intended by the Liberatorists to drive all the clergy out of their parsonages, and to put the sacred buildings to unseemly uses.

(b) That those who clamour for Disestablishment are

simply actuated by a desire to rob the Church of her possessions.

21.—(a) That the position of the Church of Ireland—a very small Protestant minority and an enormous Catholic majority—was in no way analogous to that of the Church in England; its disestablishment forms therefore no precedent.

(b) That the Church in England is the Church of the majority.

22.—(a) (The argument which is urged against every reform is also used in this case)—That other institutions are threatened and weakened if one is pulled down.

(b) That Disestablishment would dangerously touch even the tenure of the throne; the Establishment and the Monarchy are necessarily linked, while Voluntarism is Republican and Democratic.

23.—(By some.) That if the Church of England is weakened at all the Roman Catholic Church will gradually become the most powerful denomination, and will obtain supreme sway in religious matters: while the Protestant succession, being necessarily abrogated, the State might also fall under that sway.

24.—Many, without defending the principle of an Established Church, refrain from seeking to sunder the Church from the State, on the ground, that the constitution is full of anomalies, and that institutions that have grown with the nation's growth, ought not to be torn down simply for the sake of theoretical perfection.

25.—And others, while equally denying the principle of the union of Church and State, are in favour of retaining the existing state of things, on the ground, that any attempt to sever the connection would cause endless confusion, strife and heart-burnings, especially in the matter of disendowment. It is better to leave bad alone than run the risk of making it worse.

[There is a large class who—not wishing for Disestablishment if the Church can be reformed, or will reform herself—desire to see her remodelled on a more popular basis, that she may be made wide enough to include all English Christians; holding the principle, that the Established Church was made for the people, and not the people for the Established Church.\*]

On the other hand, it is contended that, though undoubtedly, and with advantage, the foundations of the Church might be broadened, mere reform would never enable her to comprehend within one fold the different religious sects.]

#### DISENDOWMENT.†

Together with Disestablishment is raised the question of Disendowment: namely, to what extent the Church, if Disestablished, should be allowed to retain her present possessions; or how far they ought to be appropriated by the State and applied to other purposes.

Those in favour of a certain measure of Disendowment uphold their proposals on the grounds:—

1.—That the Church being a State Church, all her possessions are national property; and that, strictly speaking, the State would be justified in appropriating the whole, subject to existing life interests.

\* See "*Church Reform*" (Imperial Parliament series), by Albert Grey, Canon Freeman, and Geo. Harwood,—Revs. S. Barnett, C. W. Stubbs, G. L. Reaney, and L. Davies.

† See also the arguments for and against Disestablishment.

2.—(a) That most of the Churches, and all the Cathedrals and Abbeys, are distinctly national property.

(b) That the present Church has no prescriptive right to her old endowments. They belonged to the Roman Catholics, and were appropriated by the State; if therefore they belong of right to any Church, it is to the Roman Catholic Church.

(c) That the Church has equally no private right to her more modern endowments, which were presented to her—as the Protestant Church—when she included all or most Protestants. These endowments were intended for the use of the nation and not for that of a particular denomination; they belong therefore to the nation.

(d) That tithes, which constitute the chief support of the Church, were in no way voluntary offerings, but were imposed by the State for the support of a National Church; and should therefore revert to the State in case of disestablishment.

(e) That, moreover, the poor are legally entitled to share in the tithes.

3.—(a) That the endowments of the Church represent to a large extent merely the appropriation of public property to certain ecclesiastical purposes.

(b) That the proof that the endowments of the Church are national property, is shown from the fact that no part of them can be appropriated or applied to any fresh purpose except by Act of Parliament. The recipients of the annual revenues are, moreover, simply public functionaries; their number, the mode of their appointment, the creed they shall hold, the services they still conduct, the allocation of their incomes, are determined by the State.

4.—(a) That the property of the Church of England is in the nature of a public trust; the State is, therefore, justified

in treating it as national property, and in applying it to national purposes.

(*b*) That the property of the dissenting bodies is held under private trusts, and the State (except in so far as the ordinary law is concerned) has scarcely any voice in, or control over, their disposal.

5.—That the action of the Ecclesiastical Commissioners (created by Parliament) in throwing much ecclesiastical property into a common fund, has entirely subverted the theory that Church property is simply the property of the several local Churches, &c.

6.—That the action of Parliament in regard to the endowments of the Church of Ireland, and the application of the Surplus Fund to secular purposes, is a precedent which proves that the State may, and can with advantage, apply Church endowments to such purposes as it thinks fit.

7.—That the endowments given to the Established Church—either by public or private liberality—should not be applied for the benefit of one religious body within the nation only, but should be applied for the benefit of the whole community.

8.—(*a*) That modern voluntarism has made the Church far less dependent than formerly on her ancient endowments, while Disestablishment would tend to economize her resources.

(*b*) That the congregations of the Church constitute the richest part of the nation; yet they are now scarcely called upon for her support. If the Church were left to take care of herself, they would—as the Dissenters in their own case do—gladly contribute to maintain or extend her present scale of operations.

9.—(*a*) That the question of the future of the Churches and Cathedrals is only a detail, and should not stand in the way of the acceptance of the principle of Disendowment. Details

can always be settled on a just basis afterwards ; while, in the case of the Irish Church, similar difficulties were successfully surmounted.

(b) That there would be no devastation of the Churches, nor hardship to individual incumbents. Disendowment would be only gradual ; all life interests would be scrupulously respected, and the Church would be allowed to retain her recent endowments.

[It is generally allowed that the Church, if disestablished, must be dealt with generously in the matter of her endowments ; and that she (or the individuals interested) can fairly claim to receive a certain number of years' purchase of her revenues, the State appropriating only the balance. It is usually contended, however, that the terms given in the case of the Irish Church were too liberal \* ; and that the greatest care must be taken to prevent abuse of the powers of "commuting, compounding, and cutting."]

On the other hand, it is contended that if disestablished the Church must be allowed to retain all her present possessions, without deduction, on the grounds :—

1.—That the State is bound to secure all property to its owners ; and the emoluments of the Established Church are strictly and legally her own property.

2.—(a) That all endowments have been given to the Church as such—while most have been given to her as a Protestant Church—and are therefore her absolute property, and to dispossess her would be robbery and sacrilege.

(b) That practically, with the exception of some trifling sums, none of the endowments of the Church have come from the State ; the Church costs nothing to the nation as such.

\* See page 39.

3.—That if the Church of England be disendowed, there must be concurrent disendowment of all other religious sects : they all hold their property on the same tenure.

4.—That whatever may be the advantages of Disestablishment, it cannot be right to divert any of the funds now applied to religious purposes, to other uses.

5.—That enormous difficulties—especially in connection with the sacred buildings—would arise in endeavouring to carry out any scheme of partial Disendowment.

### SCOTCH DISESTABLISHMENT.

In addition to the arguments already mentioned, most of which apply equally to the question of the English, Scotch, and Welsh Churches, it is contended by those in favour of the Disestablishment of the Scotch Church :—

1.—(a) That the vast majority of church-going Scotchmen are not members of the Established Church.\*

(b) That, in many parishes, the congregation attending the Established Church is grotesquely small.

2.—That the Established Church is simply one section of the Presbyterian Church of Scotland ; and her recognition by the State is the chief bar to the reunion of the

\* It was estimated in 1872, that, in Scotland, out of a population of 3,400,000, only 1,063,000 were members of the Established Church. On the other hand, it is asserted, that the Church, since the disruption of 1843, has added and endowed 340 Parish Churches (usually with manses), at a cost of £2,200,000, and that it has shown greater vitality, and increased in numbers and influence in a greater degree than the other Churches.

several branches of that Church—a reunion which would result in great economy of power and resources.\*

3.—That, more especially in Scotland, this sectional Church has possession of national funds which were never intended to be used in providing religious ministrations for one portion of the people only.

4.—That the Church of Scotland was established for the purpose of looking after the poor and promoting education, as well as for religious purposes; and she has now been relieved from the two first duties.

5.—That the Scotch Established Church is constituted on an entirely different basis to the English Church—being “spiritually and ecclesiastically autonomic.” That, therefore, disestablishment in Scotland could be accomplished without difficulty, and would not affect the question of disestablishment in England.

6.—That Scotland is ripe for, and desirous of, disestablishment.

## WELSH DISESTABLISHMENT.

As regards Wales, it is also contended:—

1.—That in Wales the Church of England is an alien Church, a “Church of Conquest,” which has never taken root, nor succeeded in winning the love and loyalty of the people.

2. That it has failed to fulfil its professed object as a means of promoting the religious interests of the Welsh people.

\* On the other hand, it is denied that any scheme of Disestablishment would lead to reunion.

3.—(a) That it ministers only to a small minority of the population, and a Church is not a national Church unless it contains within its fold the bulk of the people of the country within which it is established.\*

(b) That even, if in England, the Established Church can claim to be called a National Church, it has no claim to be so designated in Wales; dissent, if local in England, is national in Wales.

4.—(a) That not only do the Dissenters vastly outnumber the members of the Established Church, but the growth of Dissent has been most strongly marked.

(b) That, while Dissent has made enormous headway, and has been the chief means of fostering and extending religion and education in Wales, the Established Church has carried out its duties in a perfunctory and slovenly manner, and has been a hindrance, rather than a help, to the evangelisation of the Principality.

5.—That the Church of England in Wales is a proselytising Church, and thus greatly tends to embitter religious feeling.

6.—That in Wales, the Episcopalian minority comprises the richer classes, the Nonconformist majority the poorer classes. The Church, which alone receives public aid, is the Church of the rich, not of the poor.

7.—That whatever might be the case in England, the Church in Wales could be uprooted without any wrench to the moral or spiritual life of the people.

8.—That, therefore, whatever may be the case in England,

\* In 1676 the population of Wales was 402,250, of whom 391,350 were Church of England, and 11,000 belonged to other Churches. In 1851 it appeared that for a population of a little over 1,000,000, the Church of England had accommodation for 269,000 persons, and other Churches for 600,000 persons. It was estimated in 1881, that out of a population of 1,574,000, about 300,000 belonged to the Church of England and about 1,000,000 were Nonconformists.

the arguments are overwhelming in favour of disestablishment in Wales.

9.—(a) That the people of Wales are different from the people of England in thoughts, habits, manners, and language, and can claim to be treated separately and distinctly.

(b) That as separate legislation has been instituted for Wales on educational and temperance questions, there is precedent for dealing separately also with the religious question.

On the other hand, it is contended :—

1.—(a) That between the Church of England and the Church of Wales there is complete ecclesiastical, constitutional, and historical identity.

(b) That the Church in Wales is an integral part of the Church of England ; the one cannot be disestablished without the other. The question of disestablishment cannot be limited to the Principality ; it must be settled as a whole, not as a part.

2.—(a) That whatever may have been the faults or misdeeds of the Established Church in Wales in the past, of late years it has made vast progress, and is rapidly overtaking Dissent, and will, before long, even if it is not as yet, become the Church of the majority.

(b) That while the Church is waxing, Nonconformity is waning. The Church is solvent, Dissent is bankrupt. The Churches were filling, the Chapels were emptying.

3.—(a) That the bulk of the philanthropic and benevolent work of the Principality is done by the ministers and members of the Church, and not by the Dissenting denominations.

(b) That in Wales, as in England, the Established Church is the Church of the very poor.

## ELEMENTARY EDUCATION.

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THE interest of the State in Education is one of purely modern growth, and only dates back to 1832. Up till then the supply of elementary education had been left entirely to voluntary agencies. In that year, however, the eyes of the nation were partially opened to the educational destitution of the country, and it was determined to subsidise the voluntary agencies; and an annual sum of £20,000 was voted for the purposes of elementary education. This sum was expended in giving grants in aid of the erection of schools, which schools were, however, to be in connection with the two great voluntary bodies,—the National Society (Church of England), founded in 1811, and the British and Foreign School Society (Unsectarian), founded 1808. In 1839 the Committee of Council on Education was formed, and £30,000 a year was voted for educational purposes, a sum which was gradually increased to £100,000 by 1846.

In 1846 the Committee of Council on Education instituted grants, of not less than £15 or more than £30, to teachers, in augmentation of the salary paid by the managers, on condition of their obtaining a certificate of merit on examination. They also encouraged the training of pupil teachers by granting aid to the training colleges, and by directly paying stipends to the pupil teachers themselves. By 1850 the number of schools under inspection had increased to 2,000, and the accommodation to nearly 500,000 places.

In 1853, when the grant amounted to £160,000 a year, it was found, that, though by the help of the Government building grants many schools had been established, their maintenance from purely voluntary sources was often precarious, and inadequate to their proper support; additional subsidies were, therefore, given to rural districts in the form of capitation grants on the attendance of children, and in 1856 these were extended to town districts as well. By 1861 the number of children in average attendance in the assisted schools, 6,900 in number, had increased to 700,000, with 920,000 on the books, and the total grant to £840,000 a-year, of which about £500,000 was for "maintenance." At the same time some 1,250,000 children were on the books of unassisted schools. In that year, consequent on the Report of the Duke of Newcastle's Commission, the system of State payment was altered, and under the Revised Code (Mr. Lowe's), grants were first given for the individual examination of children, while at the same time direct payment to the teachers by the State was abolished.

Thus step by step the State found itself obliged to come to the aid of those who were endeavouring to provide elementary education. Yet, in spite of these aids, it was found in 1870 that, though the number of children provided for amounted to over 2,000,000, those in no way provided for still amounted to over a million; and the nation at last appreciated the necessity of having a school place for every child, and every child in its place. It became evident that, to attain the former of these ends, the voluntary system must be supplemented by a national system; and the question arose whether this public system should be directed from a centre, and the cost be defrayed from the taxes, or whether each locality should provide its own educational necessities, with the assistance of grants from the consolidated fund.

The result of the discussion was the establishment

of School Boards to supplement the deficiencies of the voluntary system ; and the support of Board Schools from rates, taxes, and fees.

To secure the full attendance of the children at the schools provided for them, compulsion became necessary. The extension of compulsion has taken place gradually ; at first, in 1870, permissive compulsion was introduced in School Board districts,—School Boards might enact and carry out bye-laws if they chose ; secondly, in 1876, permissive compulsion was extended to all districts, and in addition, the declaration was made, that “ it is the duty of the parent to cause his child to receive elementary instruction ; ” thirdly, in 1880, compulsion was made compulsory throughout the country. Along with compulsion arose the question of whether a fee, and if so what fee, should be exacted from the parent.

The efficient elementary schools of England, Wales, and Scotland provided, in 1890, 6,260,000 places, of which 2,530,000 were in Board Schools. The average number of scholars in attendance was 4,230,000. The cost to the Imperial Exchequer (including administration) for elementary education in Great Britain amounted, in the same year, to over £4,000,000 (the grant averaging 17*s.* 10*d.* a head) ; the sum raised from the rates was £1,570,000 ; the fees amounted to £2,240,000, and the voluntary contributions and endowments to £968,000 ; making a total outlay of nearly nine millions.\*

\* In 1886 a second Education Commission was appointed, which finally reported in August, 1888. The Code of 1890 was largely founded on some of the recommendations of the Commission.

## FREE SCHOOLS.

In previous editions, the arguments in favour of, and against, Free Schools were given at length. In 1891, a Free School Act for England and Wales ("Elementary Education Act, 1891,") was passed.

Its chief provisions were as follows:—

A fee-grant of ten shillings a child, for each child between four and fourteen years of age in average attendance, will be paid to the managers of any public elementary school (other than an evening school) willing to receive it. Where the average fee, during the year ending January, 1891, did not exceed ten shillings a head, no fee, in any school accepting the grant, shall continue to be charged for children between four and fourteen; and, where the average rate received in respect of fees and books did not exceed ten shillings, no charge of any kind shall be made. Where the average fee exceeded ten shillings, the surplus over and above the ten shillings, but no more, may continue to be charged.

Provision is made, whereby, if, after a year's grace, it is represented to the Department that there is still in any district an insufficient amount of free school accommodation, and the Department are satisfied, after enquiry, that this is the case, they will direct the deficiency to be supplied by a School Board. (On the other hand, if, owing to a change of population in the district, the Department consider that it would be to the educational benefit of the district to re-introduce or to raise the fees in any particular school, they can do so.

Lastly, power is given to the managers of neighbouring

schools to associate for all purposes, and to elect a joint Committee for their schools.\*

#### RELIGIOUS TEACHING IN BOARD SCHOOLS.

It is proposed by some to withdraw from School Boards the power of giving any religious teaching in their schools, and to make Board School teaching entirely secular.

This proposal is supported on the grounds :—

1.—(By some.) That it is beyond the province of the State to recognize any religious teaching.

2.—(By others.) That though the State may recognize religious teaching, it should not use the national money in encouraging the teaching of that which part of the nation objects to or disbelieves.

3.—That the necessary religious teaching can be given out of school hours, and in Sunday schools; and the children attending Sunday schools have largely increased in numbers in consequence of increased education.

4.—That where religious instruction is given, the teacher who is not a Protestant or a believer, is either obliged to give up his profession, or hypocritically to teach that in which he disbelieves or of which he disapproves.

5.—That to forbid the teaching of all doctrine, and promiscuously to place the religious instruction in the hands of

\* The provisions of the "seven!een and sixpenny limit" (Sec. 19 of Education Act, 1876) are, however, maintained in regard to each individual school.

teachers who belong to many sects, or to none, is bad for morality and disastrous to religion.

6.—That religious teaching, if given at all, must necessarily be sectarian in bias; and as the training colleges are nearly all in the hands of one sect, that denomination obtains an unfair advantage over the others.

On the other hand, the present permissive power of giving unsectarian religious teaching in Board Schools is upheld on the grounds :—

1.—That education without any religious teaching is worse than useless.

2. —(a) That the State ought not to hold aloof from all recognition of religious teaching.

(b) And that by refraining from any recognition of religious teaching, and still more by practically prohibiting it, the State would cast doubts on all religion.

(c) That as the State gives grants towards the secular instruction only, it does not actually endow religious teaching in any way.

3.—That in the vast majority of cases the religious instruction given by the teachers in Board Schools is essentially reverential and religious, though not sectarian.

4.—That the religious scruples of all are protected by the Conscience Clause.

5.—That religious hatreds are softened by bringing children of different denominations under one common religious teaching.

6.—That at present the majority of the ratepayers, if they so desire, can prohibit religious instruction in their schools, and it would be intolerable that the wishes of the majorities in other places should be overridden.

7.—That the attempt to do without religious teaching in Birmingham and elsewhere has been a failure; and the step originally taken has had to be retraced.

## REFORM.\*

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BEFORE the Reform Act of 1832, the number of nomination seats was enormous. It was computed that 175 members were actually returned by 89 peers, while 100 others obtained their seats through the influence of 66 members of the House of Commons, and the Government itself could command seven seats. In some boroughs there were practically no electors.

The "first" Reform Act, introduced by Lord Grey's Government in 1831, was passed in 1832. Its main provisions: (i.) Simplified and unified the existing franchises, which were so complicated, that in boroughs alone there were no less than twenty-five different qualifications, extending very low down on the one hand, and being very much restricted on the other. This simplification was accomplished (to use general terms) by reducing the franchise in boroughs to an uniform £10 household, and in counties to a £10 freehold and copyhold, and a £50 leasehold qualification. By these means about half a million of electors were added to the register. (ii.) Disfranchised all boroughs containing less than 2000 inhabitants, 56 in number; semi-disfranchised 30 other boroughs of less than 4,000 inhabitants, and amalgamated two others, making 143 borough seats available for

\* In the seventh edition, the arguments for and against Reform and Redistribution were omitted. But I have thought it well to leave the historical retrospect, and have brought it up to date, adding a section on "Manhood Suffrage."

Redistribution, of which 65 were given to the counties. In England and Wales 43 new boroughs were created, of which 22—including Manchester, Birmingham, Leeds, Sheffield, Tower Hamlets, Finsbury, Greenwich, and Lambeth—were to return two, and the rest one member each. Seven counties each received a third member, and twenty-six were divided, each division to send two members; while Yorkshire was given six members instead of four, the Isle of Wight constituency was formed, and in Wales three counties had an additional member. In Scotland the representation was completely re-arranged; Edinburgh and Glasgow were given a second member, five new single boroughs were created, and 69 towns were formed into 14 “districts of burghs,” each returning one member, while three additional seats were given to the counties. In Ireland, Belfast, Limerick, Waterford, Galway, and the University of Dublin were given second members. Thus, England was to return 500 members instead of 513, Scotland 53 instead of 45, and Ireland 105 instead of 100, in all 658.

In each of the years 1852, 1854, 1859, 1860, and 1866, Reform Bills were introduced by the Governments of the day, but ultimately withdrawn.

The Reform Acts of 1867–8, introduced by Mr. Disraeli—but in their passage through the House greatly extended and altered, both in principle and detail—was passed, provided (i.) For the reduction of the borough franchise in England and Scotland to the basis of household suffrage, with a £10 lodger qualification; in Ireland to a £4 rating; of the county franchise to a £12 rating qualification, in Scotland £14 valuation. (ii.) For the disfranchisement of 11 boroughs—4 for corrupt practices, and 7 as containing less than 5,000 inhabitants—and the semi-disfranchisement of 38 more with populations below 10,000, making in all 52 borough seats available for Redistribution. Seven of these seats were

given to Scotland, raising the number of her representatives to 60, and were applied to creating two University seats, to giving Glasgow a third seat, to creating the "Border Burghs," and to giving an additional member to Dundee and to two counties. In Ireland no change was made. In England, additional members (bringing them up to three) were given to Manchester, Liverpool, Birmingham, and Leeds; nine new boroughs, each returning one member, were formed, together with Chelsea and Hackney each returning two; Salford and Merthyr Tydvil had each an additional member; the University of London was created; and 13 counties were divided, and were given 25 additional members. The system of minority voting was applied to the three-cornered constituencies.

The Reform Act of 1884, introduced first in the session of that year by Mr. Gladstone; rejected by the House of Lords, re-introduced in the autumn session, and passed, was purely a Franchise Bill, the question of Redistribution of Seats, being dealt with in a separate and subsequent Act.

The general principle of the Act was to unite the three kingdoms in one and the same "household" franchise. In order to do this it (i.) Assimilated the county franchise to that existing in the boroughs, namely, rateable household suffrage, retaining the £10 lodger franchise; and reduced the £12 county rating to a non-residential qualification of £10 yearly value. (ii.) Included, both in counties and boroughs, by means of the "Service" franchise, those responsible householders who were neither owners nor tenants, but who held their houses as one of the conditions of their service. (iii.) Prevented the manufacture of "faggot" votes, by prohibiting future qualification by rent-charge—except for the whole of a tithe rentcharge—and by forbidding the subdivision of any interest in any land or

tenement, unless the owners have derived their interest by will or marriage, or are *bonâ fide* partners in business.

The Redistribution Act of 1885, introduced in the course of the autumn session of 1884, was a most sweeping measure, which adopted and applied almost universally the system of single member seats, and went far towards the adoption of the principle of equal electoral districts.

The Act disfranchised, by absorption into the county, all boroughs below 15,000 inhabitants, 107 in number with 120 seats; and two, with four seats, for corrupt practices; it semi-disfranchised all boroughs containing between 15,000 and 50,000 inhabitants, 39 in number with 39 seats; and in addition three counties each lost a seat.\*

This gave a total of 166 seats (of which 163 were borough seats). To these were added six seats, then in abeyance for corrupt practices and now revived; while the number of members of the House was increased by 12, thus giving a total of 184 seats available for Redistribution. Of these, 60 were allotted to the counties (an additional representation of 57), and 124 to the boroughs (a diminution of representation of 39). Scotland received 12, and England 6 additional members, Wales and Ireland remaining as before.

Constituencies of 165,000 inhabitants and above, received additional members, one for about every 54,000 inhabitants, with the exception of London, which was dealt with less liberally. Thus, Yorkshire has now in all 26 members, Lancashire, 23, Liverpool, 9, Glasgow and Birmingham, 7 each, Manchester, 6, &c., while London, enlarged in area, returns 61 members against the 22 previously.

But a further shifting of constituencies took place. For, with the exception of those boroughs of between 50,000 and

\* The University seats were exempt from these, as well as from the other provisions of the Act.

165,000 inhabitants, which already returned two members, 29 in number, all other constituencies, whether old or new, which returned more than one member, were mapped out on the single-member system, the counties into divisions, the boroughs into wards or districts, each to return one member.\* The "three-cornered" constituencies disappeared.

The number of members—in consequence of the disfranchisement of divers corrupt boroughs—amounted in 1884 to 652, of whom England had 489, Scotland, 60, and Ireland, 103. This number was increased to 670,† of whom to England and Wales (population 26,000,000), were assigned 495, to Scotland (population 3,730,000), 72, and to Ireland (population, 1881, 5,100,000), as before, 103.

The Reform Act of 1832 doubled the electorate, increasing it from 140,000 to about 900,000. The number of voters in 1866 amounted to 1,364,000, which was increased by the Reform Bills of 1867–68 to 2,500,000. The number on the register in 1883 was about 3,170,000, of whom England had 2,620,000, Scotland 320,000, and Ireland 227,000. The Reform Act of 1884 enfranchised nearly two million and a half of persons, of whom 1,700,000 are in England, 250,000 in Scotland, and 500,000 in Ireland.‡ The electors on the register in 1892 numbered 6,161,000, of whom 4,810,000 were in England, 606,000 in Scotland, and 745,000 in Ireland.

\* The City of London alone, in virtue of its historic associations, remained undivided, but its members were reduced from four to two.

† See note, p. 157.

‡ The number of new electors enfranchised in Ireland, in consequence of the equalization of the franchise throughout the United Kingdom, was much larger in proportion than in England and Scotland. This is due to the fact, that in 1829 Sir Robert Peel raised the freehold qualification from 40s. to £10, thus vastly reducing the Irish electorate; while the Reform Acts of 1832 and 1868 left the Irish franchise almost untouched; on the other hand the Irish Franchise Act of 1850 reduced the borough franchise to an £8 rating.

## ELECTORAL REFORM.

The chief Electoral Reforms at present advocated, are—(1) The reform of the existing system of Registration; (2) “One man one vote;” and (3) “Every man a vote;” (4) Shorter Parliaments; (5) Elections to be held on one and the same day; (6) The transference of the Returning Officer’s expenses to the taxes or the rates; (7) Payment of Members.

The general principles propounded by the advocates of Reform are:—

1.—(a) That the true democratic principle is, not only Government *of* the people, *for* the people, but *by* the people.

(b) That to obtain this, there must be complete electoral representation, and complete electoral simplicity and equality; wealth must not enfranchise nor poverty disfranchise.

2.—That every man should possess not only the right to vote but the power to be voted for.

3.—That all the existing restrictions tell in favour of Property, and against the People.

4.—That, in order to improve legislation, the instrument by which legislation is carried out must be perfected. Election Reform is a means to an end.

5.—That, without the full power of the people behind, essential and sweeping reforms cannot be carried through.

## MANHOOD SUFFRAGE.

It is proposed to place the franchise on the basis of Manhood Suffrage, so that every male adult— not a criminal, lunatic, or pauper—should be entitled to be placed on the register.

This proposal is advocated on the grounds :\*—

1.—(a) That every man who belongs to a Commonwealth has a right to share in the management of its affairs, inasmuch as he is a contributor to the public revenue, by rates and taxes, and to the public wealth, by his labour. He has, therefore, a just claim (and as he can make himself mischievous and burdensome to the nation, it is expedient to allow it) to take part in the passing of its laws, in the healing of its grievances, in the choice of its rulers, in deciding whether it should make war, and what steps it should take for its defence. He cannot rightfully be deprived of all control over matters which touch his well-being so closely ; and the only way in which he can legitimately exercise influence on the government of the country is by the possession of a vote.

But that this right is forfeited by pauperism and by crime. The man who is either useless or baneful to the Commonwealth has no claim to handle its affairs.

(b) That not only every individual, but every class in a Commonwealth, has a claim to share in its counsels, or, at least, to have a spokesman in the National Assembly.

(c) That, thus alone, will a full and fair expression of public opinion be secured.

2.—(a) That the broader the basis of the Constitution, the more firmly will it rest.

\* See also the arguments in favour of the abolition of *Plural Voting*.

(b) That were Parliament more under the sway of the whole people, the different classes would be further knit together, legislation would be bolder, more vigorous, and beneficent.

(c) That every section of the community knows something—and something material to the general weal—which the other sections do not know, and the power of expressing this knowledge will add to the common stock information which else would be wanting.

(d) That men understand and manage their own affairs better than others who may perhaps have conflicting interests to serve.

3.—That a nation preferring self-government should be self-governed; the basis of the Constitution should be consistent as well as wide; privilege and franchise should not be capricious.

4.—(a) That there is no logical or intelligible halting-place short of manhood suffrage.

(b) That, with the introduction of manhood suffrage, we should have got to the rock bed; and the agitation for electoral changes would cease.

5.—(a) That the extension of the franchise would not enfranchise a fresh “class” of voters, but would only give to the rest of the urban and rural male adults that which has already been granted to some.

(b) That, especially in some of the great towns in the Midlands, manhood suffrage is already to a large extent in force.

6.—That the men principally excluded under the present system, are the younger men—as a class, intelligent, educated and active members of the community; men who would improve and not lower the standard of the electorate.

7.—(a) That the unenfranchised man has the same qualification for the franchise as his enfranchised fellow—namely, interest in good government.

(b) That as it is to the interest of all to be well governed, there will be no severance of interests between those in question and the nation at large.

8.—That the gift of political power strengthens the character, tends to educate, gives greater interest in good government, and further enhances the dignity of the receiver.

9.—That it is better to give freely than to yield under pressure.

10.—That men denied the privileges are apt to forget the duties of citizenship.

11.—(a) That the vote should be attached, not to the qualification, but to the individual; electoral rights should be based on manhood, not on property.

(b) That electoral qualification should depend on age, not on residence.

12.—(a) That the increase in the electorate would further diminish the undue influence of wealth and of the aristocracy.

(b) That as property not only gives a plurality of votes, but affects more, the educated and wealthy classes would not really be swamped by the increase in the number of voters, or find their legitimate influence diminished.

13.—That, hitherto, the lowering of the franchise has never been followed by the prophesied evils; the presumption against change has become comparatively weak.

14.—(a) That the immense simplification of the franchise which would follow on manhood suffrage, would greatly facilitate the registration of voters; doubt and difficulty would be minimised, simplicity would succeed complication.

(b) That, more especially, is the lodger vote full of anomalies and inequalities, enfranchising property, disfranchising poverty—manhood suffrage alone would correct these inequalities.

15.—That the abolition of plural voting would almost necessarily follow the adoption of manhood suffrage.

16.—(a) That manhood suffrage is in force in nearly every civilized country. In France, Germany, Italy, &c., as well as in our self-governing Colonies, and the United States of America.

(b) That the citizens of the United Kingdom are quite as much to be trusted with universal suffrage as those of any other country.

On the other hand, the adoption of Manhood Suffrage is opposed, on the grounds: \*—

1.—That no one has a “right” to claim the franchise.

2.—(a) That the object to be arrived at is the best possible government; not that certain persons should be gratified by having a share in ruling. That the claim of individuals, and even of classes, to share in political power is secondary to the paramount claim of the whole people to be ruled by the best rulers, and in the best way. Thus it would be a wrong done to the nation, if the better-taught classes, who also have most at stake, and have a greater knowledge of politics, were overwhelmed by mere numbers.

(b) That the House of Commons, under the existing extended franchise, fully represents popular feeling.

3.—(a) That, while dreaming of equality, the greatest inequality would be caused by placing the minority—the rich and educated—at the mercy of the day labourer and the working man.

(b) That the enfranchisement of the masses would mean the disfranchisement of the rich and educated.

4.—(a) That every person with any stake in the country is already enfranchised.

\* See also the arguments against *Plural Voting*.

(b) That any one can now, by a minimum of industry and thrift, qualify himself for a vote.

(c) That those who have gathered no wealth, and hence remain on the lowest levels of the working classes, have shown themselves unfit for handling the policy of the kingdom.

5.—(a) That already—though the step cannot now be retraced—too great an element of ignorance has been introduced into the electoral system by the latest extension of the franchise.

(b) That the residuum it is now proposed to enfranchise, are of necessity, with few exceptions, the most ignorant and the least intelligent body of persons in the kingdom. They cannot improve, and will of necessity lower the electoral standard—already too low.

6.—That they will be easily bribed in the concrete, and easily bamboozled in the abstract. Their enfranchisement would tend to electoral corruption and political dishonesty.

7.—(a) That the working classes, if the whole of them were endowed with power, would use it to overthrow, or at least to injure, the institutions of the realm.

(b) That the voice of the working people would be on the side of extravagance, war, and communism.

8.—That those proposed to be enfranchised, having a class interest, would combine against the rest of the community; being ignorant, they would be easily led and swayed by demagogues; and, being numerous, they would obtain whatever they desired.

9.—That the extension of the franchise has lowered, and will, if extended, still further lower, the standard of political courage and originality of statesmen, while weakening the independence of legislation, the vigour of administration, and the capacity of Parliament.

10.—That it would give free scope to socialism and ultra-

philanthropic tendencies, and result in a great increase of the poor rates.

11.—That the extension of the franchise is not really demanded; its concession is not therefore required.

12.—(a) That the present anomaly does no harm; the extension of the franchise might do untold evil. It is wise to leave well alone.

(b) That it is a mistake to be constantly tinkering at the Constitution. It is too soon to begin amending the Reform Act of 1884.

13.—That it would increase the costliness of elections.

14.—(a) (By some.) That manhood suffrage would necessarily involve a considerable redistribution of seats, and probably also equal electoral districts.

(b) That a redistribution of seats (especially with equal electoral districts) would necessarily involve the whole question of the proportionate representation of the three kingdoms; thus re-opening the difficult question of the representation of Ireland.

15.—That manhood suffrage has, on the whole, not worked satisfactorily in our self-governing Colonies.

"ONE MAN, ONE VOTE."

Further, it is proposed that the system under which a man, who possesses distinct qualifications in different constituencies, can claim to be placed on the register of voters, and can vote, in more than one constituency, should cease;\* and that, in future, no elector should be entitled to vote in more than one

\* Of the 6,000,000 voters of the United Kingdom, 586,000 have duplicate votes; of these, about 400,000 are resident owners, and therefore not plural

electoral area during the continuance of one and the same register.\*

The abolition of Plural Voting is supported on the grounds:—

1.—(a) That it is altogether inconsistent with the principle of representative government, that one man should possess greater statutory electoral powers and privileges than another.

(b) That, with the great extension of the franchise, with the abolition of fancy franchises, of checks and balances, plural voting has become an anachronism.

2.—That, in the interests of the public welfare—in order to bring about the greatest happiness of the greatest number—all electors should be on an equality.†

3.—That Parliamentary representation is founded on National, not Local, interests; and a mere multiplication of local qualifications should not entitle to additional electoral privileges.

4.—(a) That no special privileges—electoral or otherwise—should be given to a particular class or to individuals, and denied to others.

(b) That Parliament has decided that each householder has a right to a vote; and, this being so, no one householder should have greater electoral rights than another; or possess the power of multiplying his vote.

5.—(a) That each self-supporting and law-abiding citizen is, on the average, as well qualified as another to express an opinion on public affairs.

(b) That each one, whatever his position, has a relatively

voters, leaving about 190,000 plural voters. (Mr. Ritchie, H. of C. March 3, 1891. See also Debate, May 3rd, 1892.)

\* He would be given the power of electing in which constituency, and on which qualification, he would desire to be registered.

† See also the arguments for *Manhood Suffrage*.

equal stake—life, property, health, happiness, security—in the country, and an equal interest in good government.

(c) That the interest of the poorer man in good legislation, is in some ways really greater than that of the richer man. Mistaken legislation may reduce the income of the one, it may altogether destroy the subsistence of the other. Social legislation affects the former far more personally and directly than the latter.

6.—That it is therefore anomalous and unjust that one man should be allowed greater electoral privileges than another.\*

7. That the number of plural votes has been largely increased by the division of the kingdom into "single seat" constituencies.

8. That the system of plural qualifications lends itself to the manufacture of votes for party purposes.

9.—That no voter would be disfranchised; it is only proposed to take from a limited number of voters an undue political power which they at present possess.

10.—(a) That no part of the electoral privilege should be founded simply on property. The electoral influence of property is already, in other ways, too predominant; and it certainly should not be allowed the additional advantage of plural votes.

(b) That brains and character not only ought, but do count for much in politics; yet the qualification for a plural vote depends in no degree on either brains or character but simply on property.

11.—(a) That (putting aside faggot votes, and deliberately manufactured plural qualifications, which are absolutely indefensible) the system of plural votes is not founded on

\* "I will take my own case. I am a terrible example. I have three votes for as many borough constituencies, and I have three votes for as many county constituencies. That is to say I have six votes. I use them on the right side, but I know many of my friends who have ten or twelve. and I have heard of one reverend pluralist who has twenty-three." (Mr. Chamberlain, Birmingham, Jan. 29. 1885.)

any system of justice or equality ; it is purely a hap-hazard franchise, uncertain in its operation and full of anomalies.

(b) That, for instance, one land owner, the whole of whose estates happen to be in one division of a county, will be entitled to but one vote ; another, with an equal estate, can claim three votes, because his property happens to lie in three different divisions. One manufacturer has his residence and his works in the same constituency ; another, lives in one constituency, and his business premises are situated elsewhere ; the former can have but one vote, the second has two.

12.—(a) That, the further anomaly exists, that while the boroughs, divided in 1884 into single seats, are still treated as units for electoral purposes, and no elector can vote in more than one division at the same election ; the counties, similarly divided, are treated as separate units.

(b) That the position of the Metropolis is still more anomalous. For the purposes of voting it is treated not as a single borough, like other large towns, but as a congeries of 27 distinct boroughs divided into 58 electoral divisions. Thus, though an elector may have a voting qualification in each electoral division of any one of the boroughs, he can only vote once, while if he has a qualification in another borough he can vote also in respect of that.\*

13.—(a) That, thus, plural voting has no direct connection with wisdom, character, talents, rank, or even wealth. It depends chiefly on whether or no the property the individual possesses happens to be scattered or compact.

(b) That, if plural voting be allowed at all, it should be based on some principle of uniformity ; and, as in the case of

\* For instance, the borough of the Tower Hamlets is divided into 7 electoral divisions, St. Pancras into 4, Westminster into 3. See notes, pp. 116 and 117.

The case of the old county of Middlesex is still more anomalous. Before 1884, the freeholders of London voted in the county of Middlesex. By the Act of 1884 the county was divided into seven divisions, but the freeholders were attached to four of the divisions only.

the election of guardians, vary with the amount of property held—and this is, of course, now-a-days, manifestly absurd.

14.—(a) That the chief abuse of plural voting lies in the fact that the votes are largely possessed by non-resident voters.\*

(b) That these persons, though they possess no active interest in, or special knowledge of the wants and interests of the locality, can come in on the day of poll and over-ride the wishes of the resident voters.

(c) That this is more especially the case in some of the London constituencies.†

(d) That the non-resident vote is especially effective, and therefore especially injurious, at bye-elections.

15.—That the existence in any constituency of a large number of non-resident voters, tends to destroy public political opinion and to lead to political apathy. The one side depend on the out-voters to keep the seat; the other side are aware, that, do what they will locally, they will be outvoted by the non-residents.

16.—(a) That the "property vote" is to a large extent held by men who do not reside in the constituency.‡

(b) That some non-resident "property votes," such as those attaching to the City Livery Companies, depend simply on purchase—a gross anomaly now-a-days.§

17.—That the "occupation franchise," enables a man to obtain a vote for business or other premises in which he does not reside.¶

\* See note, next page.

† It is estimated that one-fifth of the non-resident duplicate voters are Metropolitan.

‡ While there are about 390,000 resident ownership voters, there are 121,000 non-resident ownership voters. (Mr. Stansfeld, H. of C., March 3, 1891.)

§ There are some 7,000 liverymen voters in the City of London. The non-resident vote in the City far exceeds the resident vote.

¶ In Central Birmingham (electors 11,000) there are nearly 2,000 non-resident voters, in the Exchange Division of Liverpool (electors 8,000) there are 1,850, in Holborn (electors 9,800) there are 1,400, in Central

18.—(a) That the “University franchise,” attaching to the degree of M.A. at Cambridge and Oxford, is simply a property vote, not given on examination, but purchased for a few pounds by anyone who has taken even the ordinary degree.

(b) That one advantage of the abolition of plural voting would be the destruction of the University vote.

(c) That nearly every University voter is qualified elsewhere, and would not therefore be disfranchised by the abolition of the University franchise.

19.—That the abolition of the plural vote would greatly simplify the registration of voters.

20.—That the principle of plural property representation does not exist in the case of the election to Town Councils and to County Councils. The principle of “one man one vote” there strictly prevails; a ratepayer, in the case of a borough, can only vote in one ward, and, in the case of a county, only in one division. Yet the principle of plural voting is far more defensible in the case of elections for Local Bodies, than in the case of Parliamentary Elections.

21.—(a) That the increased facility of locomotion, has accentuated the evil.

(b) That to hold elections on one and the same day, would be a palliative, but would not get rid of the evil. London would scarcely be affected, and the evils of plural voting are most rampant there.

22. That the question of “one man one vote” is entirely distinct from that of “one man one value”; the anomaly of plural voting can be and should be dealt with on its merits apart from other anomalies of the representative system.

On the other hand, it is contended:—

1.—That the principle on which representative government is founded, is due representation of each class and

Glasgow (electors 13,000) there are 3,000 non-resident voters. (Sir George Trevelyan, Newcastle, Oct. 3, 1891.)

interest, not necessarily pure equality between man and man, or the mere citizenship of the voter.

2.—(a) That—while "faggot votes" cannot be defended—a man may have a very real and separate interest in more than one constituency, and is entitled to vote separately in each.

(b) That, for instance, a man may have a private residence in London, and there pay rates and taxes, employ many persons, support various local institutions, give considerable custom, etc. His business premises may be in the City, where he also pays rates and taxes, employs clerks, etc. Further, he may lease (or own) land and house in the country, reside there part of the year, pay rates and taxes, employ hands, etc. In each of these three constituencies he will have a very considerable, natural, and justifiable interest; and it is neither just nor expedient that he should be deprived of his vote in any of the three.

(c) That while the individual with the larger interest would be deprived of a vote, his servants, employés, etc., with a lesser interest, would still be entitled to vote.

(d) That the proposal ignores the representation of the community and deals with that of the individual only.

3.—(a) That the theory of the Constitution—emphasised by the adoption of the principle of "single seats"—is that it is the Locality that is represented in Parliament.

(b) That, therefore, each man who has a substantial interest in a particular constituency, and possesses the proper qualification, should, whatever his interests elsewhere, be entitled to vote in the choice of the representative who is elected to watch over the interests of the locality in the House of Commons.

(c) That, unless this be so, the interests of the locality would cease to be accurately represented; while an injustice would be done to the individual himself.

4.—That, in each separate constituency, the vote of each elector is of equal value and power; there is no local

invidiousness or local superiority or inferiority, as between the individual voters in a particular district, caused by plural voting.

5.—(a) (By some.) That the rich man, as such, has a greater stake in the country; he has more to lose by bad, and more to gain from good government, than the poor man.

(b) That the man who has acquired wealth and position ought to possess greater political power than the man who has acquired neither, for he is better qualified to exercise his electoral privileges.

6.—(a) That the existing system works without any real friction, and with a minimum of injustice or inequality.

(b) That the grievance is very minute; the number of plural voters is infinitesimal compared to the whole electorate; and the bulk of these do not exercise their full electoral privileges.\*

7.—(a) That it would involve the abolition of the forty-shilling freeholder; an historical franchise.

(b) That it would involve the disfranchisement of the Universities—a system of representation that has many merits.

8.—(a) That to be continually tinkering at the Constitution is inexpedient.

(b) That if the reform of the representative system is going to be taken in hand, other, and far greater anomalies, must be dealt with at the same time.

9.—(a) That, as the chief object aimed at by the introduction of the system of "one man, one vote," is to give to each individual elector equality of voting power; the abolition of plural voting would necessarily have to be coincident with the adoption of the principle of "one vote, one value," that is, a system of equal electoral districts.†

\* See note, p. 81. Of the 190,000 plural voters, it is estimated that at least 45 per cent. do not vote.

† For instance, under the present system of unequal electoral districts, Central Leeds, with 11,000 electors, has only the same voting power as

(b) That the adoption of the principle of "one vote, one value" would necessitate a sweeping Redistribution Act, both as between the three kingdoms,\* and within each of the three kingdoms.

(c) That it would, moreover, necessitate a periodical rectification of the electoral areas.

(d) That periodical Redistribution Acts would greatly tend to destroy political life and interest in the constituencies.

10.—(By some.) That if, as many advocate, elections all took place on the same day,† the evils of plural voting would practically disappear.

#### WOMAN'S SUFFRAGE.‡

It is proposed to extend the franchise to women, so that every woman holding (in her own right) a sufficient property qualification, would be entitled to vote at the Parliamentary elections. Some propose to confine the privilege to spinsters and widows; others would extend it to married women as well.

This proposal is upheld on the grounds:—

Canterbury with its 3,000 electors. Each Canterbury elector may be said to possess almost four times the electoral power and privileges of an elector in Central Leeds. In the case of several Irish constituencies the inequality is still greater, Galway, for instance, having but 1,650 electors.

\* According to the Census of 1891 England had a population of 27½ millions, Wales 1,500,000, Scotland 4,000,000, Ireland 4,750,000. The respective number of members was 461, 34, 72 and 103; while, according to absolute population, the numbers should be 484, 31, 72 and 83. But against equality of representation founded on present population, there is, as regards Ireland at least much to be said. See Debate, May 18, 1892.

† See p. 141.

‡ The reader is especially referred to "*Women Suffrage*," by Mrs. Ashton Dilke and Mr. W. Woodall, M.P. (Imperial Parliament Series), and to "*Reasons for Opposing Women Suffrage*," by Vice-Admiral Maxse (Ridgway).

1.—(a) That our electoral system should be founded on a complete representation of the whole people.

(b) That as women of property bear the burdens, they should not be deprived of the rights of citizenship; that as women have to obey the laws, they should be allowed a voice in making them. It is property not sex which gives the right to vote.

(c) That, though certain other persons (minors, men who are not householders, paupers, &c.) share with women electoral disability, women alone retain their disability throughout life and under every condition.

(d) That, thus, in the case of women, “the very principle and system of representation based on property is set aside, and an exceptionally personal disqualification is created for the mere purpose of excluding her.”

(e) That, consequently, just that result ensues which it is especially desirable to avoid—women are treated as, and become a “class.”

2.—(a) That women have just as much interest in good government as men; and if there be any difference, women being physically the weaker, require protection more than men.

(b) That the interests of women are either identical with those of men—and in that case their votes would not affect the ultimate result; or their interests are divergent—and in that case they should be fairly and directly represented.

(c) That where the interests of men and women are divergent, the latter, being unrepresented, suffer—witness the laws respecting women’s property, divorce, custody of children, contagious diseases, child murder, and child assault, &c.; while if directly represented, the anomalies and inequalities of the laws as affecting them would be modified or swept away.

(d) That even if women are to be subject to men’s authority, they “require the protection of the suffrage to

secure them from an abuse of that authority ; " " they do not need political rights in order that they may govern, but in order that they may not be misgoverned."

3.—(a) That the argument that the male vote, on some special occasion, would be swamped by the female, cannot be seriously entertained. Moreover, women would never vote all one way, any more than men do.

(b) That women would be much more likely to vote under the influence of the men, than contrary to it.

4.—(a) That though there may be truth in the assertion that a married woman is represented through her husband, a widow or spinster is entirely unrepresented.

(b) That, as a matter of fact, the grievances of women are as much the grievances of wives and mothers as of the unmarried.

5.—(a) That it is an anomaly for women to be allowed the School Board and Municipal, and to be excluded from the Parliamentary franchise ; if they are fit for the one, they are qualified for the other ; they pay taxes as well as rates.

(b) That as the highest post in the realm can be, and is, worthily filled by a woman, it is an anomaly to refuse to women the lesser privilege of a vote.

6.—(a) That mentally and physically there is no sufficient difference between men and women to justify withholding from the one that which is given to the other ; the idea that women are the inferiors of men, and that they should be " subject " to them, is merely a relic of semi-barbarism.

(b) That the inferior position which women now hold, is due not to natural causes, but to the laws made by men. Repeal these laws, and women would soon take their proper position.

(c) That as the question is one of voting and not of being elected, the physical inferiority of women is of no account in the matter.

(d) That whenever women have had the opportunity they

have shown themselves competent to exercise power and responsibility.

7.—That a disfranchised class is either politically ignorant and indifferent, or else disaffected.

8.—(a) That the possession of the suffrage would have a salutary effect on women, by increasing their intelligence and interest, and extending their range of vision, and by removing the idea that they are necessarily inferior; while to withhold it, injures their self-respect, and counteracts all attempts to improve and elevate them.

(b) That more especially is this latter the case now that the servant and labourer are enfranchised, while the female employer or farmer is refused a vote.

(c) That, naturally, so long as women are denied political power, they are under no sense of responsibility in using their political influence.

(d) (By some.) That the enfranchisement of a small minority of women (for the numbers who would be enfranchised would not be large) would have little effect one way or the other on the character of the whole sex.

9.—(a) That women being more deeply imbued with religious feeling, and with respect for law and order, than men, their possession of a vote would be an additional bulwark against socialism and anarchy.

(b) That the extension of the franchise to women—necessarily women of property—would tend to check the democratic tendencies of the age, and would thus be a Conservative measure.

(c) That as the women enfranchised would be chiefly those of education, their opinions (as expressed by their votes) would be of value.

(d) That women are more free from party politics and party bias than men, and would therefore judge a political question more on its own merits,

(e) That the education of women has made such rapid

strides, that to-day they are fitted to exercise a power of which yesterday they were incapable.

(*f*) That the more political women become, the less priest-ridden will they be, and the greater will be their sympathy with the other sex.

10.—That the question of enfranchisement ought not to depend at all on the possible way in which the vote will be afterwards cast.

11.—That the possession of the franchise would not cause family friction and ill-feeling; for it would be chiefly widows and spinsters of property who would possess votes, and they would be independent.

12.—That the line between voting at Parliamentary elections and being eligible for Parliament, is so absolutely distinct, that to concede the one would not be in any way to admit the principle of the other.

13.—That the ballot has so entirely extinguished all rioting and roughness on the day of election, that women could vote in perfect safety and without fear of intimidation or rudeness; just as now they vote at School Board and Municipal elections without any personal unpleasantness ensuing.

14.—(*a*) That the assertion that the majority of women are not desirous of the franchise, proves in what subjection to "custom" they are still bound—"slaves never wish to be free"—and demonstrates the need of further freedom.

(*b*) That no woman need exercise the franchise unless she likes. The indifference or aversion of some, should not be a bar to the possession of their rights by others.

15.—That though women do not themselves serve in the army; through their fathers, brothers, husbands, they are vitally interested in the preservation of peace; and themselves really suffer more from the horrors of war than men.

16.—That to argue that because women are not physically strong they should not be allowed votes, is to deny also the

right of weaker men to possess the franchise, and is an endorsement of the principle that "might is right."

17.—(By some.) That if the franchise be extended to the single women and the widows, it will ultimately be extended to married women as well.

On the other hand it is urged :—

1.—(a) That the principle that representation and taxation should go together, is by no means fully carried out in the Constitution ; all minors, and many men, as well as the women, are excluded from the franchise.

(b) (By some.) That the change would be opposed to the fundamental principle of democratic government, namely, that persons, and not property, constitute the basis of representation, and that property, and not persons, is the basis of taxation.

2.—(a) That the existing electoral law was framed merely with a view to the representation of men. It chooses out the head of the family, and gives the vote to him as a man and not as the representative of property. The adoption of "woman suffrage" would entirely reverse this principle.

(b) That to grant the suffrage to women on the ground that, as they are bound to obey the laws, they ought to have a hand in making them, would logically oblige us to concede the suffrage to every man, woman, and child in the kingdom.

3.—That men and women are, both mentally and physically, in every way different, and it is a mistake to endeavour to break down any of the natural differences—implied in sex—which exist between them.

4.—(a) That women are not a "class," their rights and interests harmonize with those of men, and are therefore duly protected.

(b) That, of late years especially, very much has been done

to redress any legal inequalities which may have formerly existed between the two sexes.

(c) That such delays as occur in adopting reform in favour of women, are due, not to indifference on the part of men, but to the difficulties which now-a-days beset all legislation.

5.—(a) That if, however, women obtained the suffrage, class distinctions would be set up, “women’s questions” would be manufactured, and men and women would be thrown into antagonism.

(b) That, thus, not only would the whole nation suffer, but beneficent legislation in favour of women would be retarded instead of being advanced.

6.—That if the franchise is conceded to spinsters and widows, it cannot be long or logically refused to married women also. Adult suffrage is only a matter of time; and as the women outnumber the men, they will ultimately predominate in voting power. Such a condition of affairs would be, however, purely artificial, and must disappear when any real strain came. At some moment of national excitement, a preponderance of the women vote would carry some measure which was unpopular with the majority of men, but the physical strength being on the side of the men, they will re-assert their relative position in the midst of confusion, perhaps of revolution and bloodshed.

7.—That as the men have practically to put the law into execution, and women would be powerless without them, they should also make the laws. The voting power should correspond with the real strength of the nation.

8.—(a) That it would be contrary to the natural position of women to be entrusted with power. That women’s duties are at home and not in the polling booth.

(b) That men’s respect and reverence for women would be fatally undermined if they were allowed to mingle in

political strife; while the finer edge of women's nature would be blunted, and they would become unsexed.

(c) That if women were enfranchised, the disposal of their votes would lead to family jealousies, ill-feeling, and greater political friction.

(d) That the subjection of women by men is a less serious evil than would be the domination of women over men.

9.—(a) That the female mind lacks the quality of judgment, and mentally, morally, and physically women are unfitted by nature to exercise a calm discretion, more especially on exciting political questions; they cannot, therefore, claim the suffrage on equal terms with men.

(b) That educational and municipal questions stand on an entirely different footing from matters political; while, as regards the first, women are especially qualified to give advice.

(c) That a School Board or Municipal Election is less impassioned than a Parliamentary contest.

10.—That as women are not liable to bear arms, and as they are by nature warlike, it would be inexpedient to give them the power of voting on questions of peace and war.

11.—That the majority of women do not want and would rather be without the suffrage; while, however, if they obtained it, they would be coerced into exercising it.

12.—(a) That women are properly represented, in that they can and do exercise immense and legitimate influence over the male voters.

(b) That the married woman is much better represented through her husband than she would be through the vote of some spinster or widow; while the two last are directly represented by other male relatives.

13.—(a) That though at first the women enfranchised would be those possessing some property, as manhood

suffrage will eventually be adopted, the suffrage will ultimately have to be extended to all women.

(b) That those alone who would take an active part in politics would be the "strong-minded" women, who are not really representative of the sex.

14.—(By some.) That women are conservative in habit and tendency; while the disposal of their votes would be very much subjected to clerical influence.

15.—(a) That to demand the suffrage for the spinster and widow and not for the married woman, is illogical, and is not genuine "woman suffrage."

(b) That it would be impossible, without great disadvantages, to give the suffrage to married women; and to allow spinsters and widows a privilege which they would lose on marriage, would be an anomaly, which could not long endure.

16.—That the concession of the vote would enfranchise, amongst others, a very undesirable class of women.

17.—That the evidence of Municipal elections goes to show that female electors are more open to bribery than male, and thus electoral purity would suffer.

18.—That the concession of the suffrage would inevitably be followed by the demand, which could not logically be refused, that women should be qualified to sit in the House of Commons themselves; no other electors, except clergymen, being ineligible.

19.—(A latent fear in the minds of some.) That women, if given the opportunity, would oust men from many occupations which the latter now monopolise, and would thus diminish their earnings.

[Apart from reasons which can be categorically stated, there is against the proposal a strong feeling, which can best be expressed in the phrase that "*women are women.*"]

## SHORTER PARLIAMENTS.

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It is proposed to repeal the Septennial Act and to shorten the legal duration of Parliament. Different terms of years are advocated, five, four, and three—the most popular being perhaps the four years' term.

The existing Septennial Act was passed in 1716, shortly after the accession of George I., superseding the Triennial Act of 1694, which had itself followed on the Revolution of 1688.\* During the period of the Triennial Act, the average duration of the Parliaments (exclusive of the six months' Parliament, which was dissolved on the demise of the Crown in 1702), was two years and five months.

The average duration of the Parliaments between 1796 and the Reformed Parliament of 1833, was three and a half years; one Parliament alone (that of the First of George I., the very Parliament that introduced the Septennial Act), exceeding six years. From the first Reformed Parliament of 1833 until the year 1868, there were nine Parliaments, the average duration of which was three years and nine months; two

\* The first Parliament of Charles II., elected in 1661 (1660), lasted eighteen years. It was dissolved in Jan. 1679 (1678) "in the thirtieth (?) year of Our Reign:" "The King's Most Excellent Majesty," ran the Proclamation, "taking into his serious Consideration the many Inconveniencies arising by the over-long continuance of one and the same Parliament doth hereby dissolve the same."

of these Parliaments existed just six years. Since the Reformed Parliament of 1868, until that dissolved in 1886, there have been four Parliaments averaging four years and five months; the longest term was that of the Parliament elected in 1874, namely six years and two months.\*

The present Parliament was elected in August, 1886, and can legally sit until August, 1893.

Shorter Parliaments are advocated on the grounds :—

1.—That there exists no constitutional means whereby the nation can express its opinion except at a General Election.

2.—(a) That under the Septennial Act, the nation is obliged to commit absolutely into the hands of Parliament for a lengthened term enormous powers, that may be used for weal or woe without opportunity of check or change.

(b) That “Parliament,” in this connection, means, at the best, a majority only, perhaps but a very small majority, of the House of Commons for the time being.

3.—That the Parliamentary majority, elected to carry out a particular course of policy, may inaugurate a new policy, may break its election pledges, betray its trust, and forfeit the confidence of the country. Yet it cannot be called to account, and may continue to defy for a lengthened period the evident feeling of the country.

4.—(a) That in the expiring years of a “long” Parliament questions of moment are decided, which had not even been mooted at the General Election, and thus momentous

\* See P. P. 165 of 1892. During the last 100 years there have been 25 Parliaments. Three have been dissolved by the death of the Sovereign, 3 by electoral reform necessitating a new election, 9 in consequence of Ministerial crises, and 10 by effluxion of time. (Mr. H. H. Fowler, April 8, 1892.)

decisions are taken, or new and grave responsibilities are incurred by Parliament, not only without consultation with the nation, but even, it may be, entirely contrary to their wishes.

(b) That before fresh legislation is undertaken, a new expenditure incurred, or a novel step in Foreign or Colonial policy taken, the nation ought to have an opportunity of passing its final and conclusive judgment upon these questions.

5.—That public opinion may distinctly change on a particular question; or a hasty and ill-considered verdict on a side issue may have decided the majority; yet, for seven years, the verdict given at the General Election may remain irrevocable.

6.—(a) That in these days of quickened communications and increased education, greater knowledge of, and interest in, politics, opinions are formed and change more rapidly than of old, and a length of years formerly not excessive for a Parliament is now far too long.

(b) That the condition of the country and the mind of the people goes on changing, and Parliament, remaining unchanged, gradually ceases to reflect the opinion of the constituent bodies.

7.—That it is right that the power of election should regularly and at short intervals revert to the people, so that they may have more frequent opportunities of endorsing or reconsidering their choice of rulers, and the policy to be pursued.

8.—(a) That so long as the franchise was restricted, when elections were costly and corrupt, when the representation was practically confined to the wealthy classes, the question of the frequency of elections was of secondary importance.

(b) That, indeed, in days when the poll extended over

days or weeks, with open corruption and unchecked bribery, elections were a positive evil. But successive Reform Bills have purified elections, limited them to one day, and placed the franchise in the hands of the nation at large.

9.—(a) That every year, under the extended franchise in force, a large number of old voters disappear from, and a large number of new voters come on the register.\*

(b) That these latter ought to have an early opportunity of expressing their views; for the possession of a vote is of no avail unless associated with the opportunity of recording it.

10.—(a) That the principle of Parliamentary Government is representation; and a representative system under which the elected do not frequently submit themselves, their acts, and their views to the elector, loses much of its representative character.

(b) That we have now placed our Parliamentary system on a democratic basis, and other parts of the Constitution must be adapted to this.

(c) That in these democratic days it is essential that representatives should be in near touch with their constituents; and more frequent elections would greatly tend towards this consummation.

11.—(a) That shorter Parliaments, and the more frequent necessity imposed on members of meeting their constituents and justifying their existence as representatives, would quicken their sense of responsibility.

(b) That the member goes to Parliament a free man, and becomes a bondsman; and the longer the Parliament the more he tends to become a mere party "item."

(c) That the sense of responsibility in members is greater towards the end than at the beginning of a Parliament. The

\* It is estimated that, in the course of five years some 500,000 of persons cease to be voters, and some 500,000 of new voters are registered; a total change of a million of electors, or one-sixth of the total electorate.

shorter the life of a Parliament the more likely is the member to appreciate his responsibilities.

(*d*) That a member who has decided not to stand again, is likely, during the last year or two of a prolonged Parliament, to become lax in his attendance and interest.

12.—(*a*) That real independence and strength of character would not suffer from more frequent communion between the member and his constituents.

(*b*) That "political honesty" can hardly consist in a member acting contrary to the wishes of his constituents over a period long or short.

13.—That power requires constantly to be checked; uncontrolled power in the hands of the unscrupulous will quickly lead to encroachments upon the liberties of the people.

14.—That more frequent elections would create a greater general interest in politics: and bring home to the minds of the people the fact that they are a self-governing community, responsible for the action of their rulers.

15.—(*a*) That the necessity of more frequently submitting their action to the judgment of the country would, by making them more careful in regard to their measures and policy, have a wholesome effect on the Government of the day.

(*b*) That the knowledge that they would have an early opportunity of appealing to the country against the Government, would increase the vigilance of the Opposition; and, at the same time, the possibility of a speedy accession to power would quicken their sense of responsibility.

16.—(*a*) That the House generally would have a better appreciation of the value of time, and business would be more efficiently, adequately, and rapidly conducted.

(*b*) That more especially would this be the case, inasmuch as the real and recently expressed will of the nation would

be known in reference to the principal questions to be discussed and decided.

(c) That the best work is done in the earlier days of a Parliament. The impetus of the General Election alone enables great reforms to be carried through.

17.—(By some.) That we should thereby obtain something of an equivalent to the system of the "Referendum" that prevails with much advantage in Switzerland.

18.—(a) That more frequent elections would tend to diminish the excessive swing of the political pendulum; would lead to the greater stability of successive Governments, and therefore to greater continuity of policy both at home and abroad.

(b) That during the prolonged life of a Parliament, the Government lose touch of the nation, fall into decrepitude, while by their action or inaction they offend divers individuals and interests. These causes of offence would be lessened if elections were more frequent.

(c) That an earlier appeal for a renewal of power would be much more likely to result in the endorsement of their policy and in the attainment of a fresh lease of power.

(d) That, thus, while a strong and popular Government would be periodically reinvigorated by a new mandate, a weak and unpopular Government would the sooner disappear.

19.—That the fact that a General Election so often goes against the Government shows that more frequent opportunities ought to be given of declaring the popular will.

20.—(a) That shorter Parliaments would tend to greater continuity of policy in Foreign Affairs. A change of policy could not be so easily effected in the shorter period. The influence of the British Government abroad would be more potent when it was known that the country was at their back. During the latter years of a prolonged Parliament, the power of the Government of the day to negotiate with foreign nations is largely curtailed in consequence of the

uncertainty as to whether their policy will be endorsed at the next General Election.

(b) That the tendency is ever more and more towards continuity in foreign policy; and shorter Parliaments would help towards this.

21.—That shorter Parliaments and more frequent elections would tend to less sweeping alterations in the *personnel* of the House—"short reckonings make long friends"—and thus each new Parliament would contain a larger proportion of experienced men than is the case at present.

22.—That while it is possible that some of those who now enter Parliament would no longer be inclined to stand, their places would be taken by men who would be more interested in politics and be more serious in attempting to remedy abuses.

23.—That Parliamentary animosities would be less acute if the Opposition knew that the period of a fresh appeal to the country could not be very remote.

24.—(a) That if elections were more frequent, the tendency would be towards reduced expenditure. The candidate would be less inclined to a large outlay, public opinion would favour reduction, and a further legal limitation of expenditure would take place.

(b) (By some.) That as Parliaments (with a four years' term) would tend, on the average, though with greater regularity, to extend over as long a period as now, the average cost to the candidate would be no greater than at present.

25.—(By some.) That the adoption of shorter Parliaments would render irresistible the demand for the payment of members,\* and for the transfer of the official expenses of elections to the rates or taxes.†

26.—(a) That, nowadays, with the duration of the poll confined to twelve hours, with expenses limited by law, and with the ballot, elections are conducted in a quiet and

\* See p. 149.

† See p. 125.

orderly way, and a General Election causes but little disturbance to trade.

(b) That there would be fewer contested elections, constituencies that had lately unmistakably expressed their preference would not be again fought.

(c) (By some.) That if General Elections were more frequent, the inclination would be to hold them on one day\*—resulting in far less excitement, turmoil, or interruption to business.

27.—That it is better that the country should know in advance approximately when an election will take place.

28.—(a) That for a period of twenty-two years a Triennial Act was in force and worked satisfactorily.

(b) That the Triennial Act was replaced by a Septennial Act chiefly in order to meet a great national emergency, and to secure the Protestant Succession to the Throne.†

(c) That the Septennial Act was passed to meet a temporary emergency; and as a political makeshift, its adoption may have been justifiable. The danger has long since passed away, and there is now no dynastic nor constitutional reason for its continuance.

29.—That in 1867 the Septennial Act was itself in a degree extended by the abrogation of the provision formerly existing that on the demise of the Crown a dissolution must take place.‡

30.—(a) That the tendency is towards a longer average life of Parliament.

\* See p. 144.

† The Septennial Act was passed in the first year of Geo. I. by the Whig Government of the day, with the object of postponing a General Election until the new dynasty should be more firmly established on the throne. The Act was applied to the then existing, as well as to future Parliaments, and the Parliament of 1715, elected for three years, lasted for over six.

‡ For instance, on the death of Geo. III. Parliament was *ipso facto* dissolved, though it had been in existence but eighteen months; on the death of Geo. IV. three years and eight months, on that of William IV. two years and five months only.

(b) That the natural inclination of a Government, and of the majority for the time being, is to cling to power, and not to take the risk of a dissolution earlier than they can help.

31.—That there would be no real infringement of the prerogative of the Crown; for it is long since the Crown dissolved Parliament of its own initiative.

32.—That it would weaken the threat of dissolution by means of which the Government of the day is sometimes enabled to force measures upon its unwilling supporters.

33.—That in no other country has the Lower House of Representatives so long a lease of power as in England.\*

34.—That the term of election in the case of Municipal, School Board, and other local elections is for the most part for three years only.

On the other hand, it is contended:—

1.—(a) That the “Septennial Act” is septennial only in name; the full legal limit is never reached, hardly ever approached, and the country has a full opportunity at short intervals of re-considering its position, and of recording its verdict.

(b) That if the legal period of the life of Parliament were shortened, the maximum period would tend to become a minimum, and, on the whole, the country would have fewer, and not more frequent opportunities of expressing its opinion.

2.—That Parliament ought, if the country be in a normal state, to be dissolved at the least a good year before the legal limit, lest it should legally lapse at a moment when an election might be inconvenient or injurious to the country. Thus, if the term were shortened, either the Government

\* Germany, Italy and Spain, and some of the Colonies, five years; France, Belgium, and some of the Colonies, four years; Denmark, Portugal, Sweden, Holland, Switzerland, and some of the Colonies, three years; United States, two years. (See Dickinson's *Procedure Foreign Parliaments*.)

would be tempted to go to the extreme legal limit, or else elections would be continually recurring.

3.—(a) That Parliament, elected on a purely democratic basis, does nowadays faithfully represent the opinion of the country for the time being.

(b) That the numerous by-elections that take place tend, by the opportunity they afford of testing public opinion, and of introducing new blood into the House, to keep Parliament ever in touch with the country.

(c) That members are far more and increasingly in touch with their constituents, and aware of their feelings and desires.

4.—(a) That, nowadays, it is absurd to assert that any Party or persons could or would use their powers to the curtailment of the liberties of the people,

(b) That as a Government depends for continued existence on the good will of the electorate, it will always endeavour to propitiate, and not to run counter to the desires of the nation.

5.—(a) That, as a matter of fact, neither Prime Minister, Government, nor Parliamentary majority can defy the will of the nation, and pass measures or carry out a policy directly contrary to the general feeling of the country. The strongest Governments are forced to yield to the pressure of public opinion.

(b) That, short of a General Election, the electors have, through by-elections, newspapers and speeches both inside and outside the House, ample and perpetual opportunity of forcibly expressing their views.

6.—(a) That shorter Parliaments, by involving more frequent appeals to the country, would impair the independence of the Ministry.

(b) That the Government would be tempted to deal with those subjects that were for the moment popular, rather than with those of the greatest permanent benefit; and the

measures proposed would be designed with a view to their immediate effect on the public mind, rather than for the solid advantage of the country.

7.—That, with shorter Parliaments, the majority would be elected with a “mandate” on some particular question of the moment; and thus legislation would be more likely to be hasty and emotional.

8.—(a) That the extension of the franchise has tended to political capriciousness on the part of the electors. The decision of one election is often reversed at the next; ministers and Parliaments mostly change together. Political instability and constant change of Government are serious evils, which would be accentuated if elections were more frequent.

(b) That the check of the Septennial Act on the capriciousness of the electorate is advantageous to the country.

9.—(By some.) That the longer period of the existence of Parliament makes it more possible for the Government of the day to resist some “great delusion” that may temporarily prevail in the country.

10.—That at present there is far too little continuity either in the Home or in the Foreign policy of the country; more frequent elections, implying more frequent changes of Government, would make it still more haphazard.

11.—(a) That, even now, the Government of the day is much hampered in its relations with Foreign Governments by reason of the possibility of a reversal of policy consequent on its defeat at the next General Election. Increase this possibility, and embarrassment would amount to paralysis.

(b) (By some.) That the less the foreign policy of the country is subject to the revision of popular sentiment the better. It cannot properly be controlled by the electorate, for they cannot possess either the general knowledge requisite, or the particular (and perhaps secret) information necessary to the subject; and their decision is too often influenced by impulse or clamour.

12.—(a) That shorter Parliaments, entailing the more frequent submission of a member to a fresh election, would greatly weaken his independence and impair his political honesty.

(b) That good work is not done by men who “have their eye on the door”; by men who anxiously scrutinise the effect of each vote or speech on their constituents.

(c) That the position of the member would be lowered from that of a representative to that of a delegate. He would lose all his individual freedom of thought and action, and be forced to support or oppose measures at the dictation of his constituents.

13.—That constant elections would tend to throw political power more and more into the hands of caucuses and wire-pullers, making the members mere machines, and tending to the manufacture of public opinion.

14.—That, nowadays, with a very extended franchise, great publicity, and universal political activity, the sense of responsibility of the member and his personal contact with his constituents, extends over the whole of his Parliamentary life, and is not simply quickened by the prospect of a dissolution.

15.—(a) That each newly elected House of Commons necessarily takes time to acquire experience before it can settle down satisfactorily to the conduct of the business of the nation.

(b) That constant elections would involve constant changes in the *personnel* of the House, bringing in at short intervals a large number of inexperienced men, strangers to each other, and new to the work required of them, to the dislocation of public business.

16.—That neither the first year nor the last year of a Parliament is devoted to valuable work; in the first the members are learning their business, in the last they are thinking of their constituents.

17. That with elections always in view, the time and attention of the member would be largely devoted to electioneering, and the business of the House would be perforce neglected.

18.—(a) (By some.) That the result would be to throw administrative power more and more into the hands of permanent officials, whose irresponsible influence is already too great.

(b) That the risk of personal Government from “long” Parliaments is far less serious than the risk of bureaucratic Governments from “short” Parliaments.

19.—(a) That the additional expense, risk of loss of seat, worry and trouble involved in more frequent elections would deter many good men from becoming candidates.

(b) That the best class of candidates would resent the loss of independence involved, and would be loth to stand.

(c) That the duties of a member would necessarily become more multifarious, laborious, and irksome, both in the House and in the constituency; and men, whose tastes or whose business prevent them from devoting their whole time to politics, would be deterred from standing.

(d) That the constituencies would be greatly restricted in their choice of candidates; and the standard of the House would be sensibly lowered.

20.—(a) That the great additional expense involved in more frequent elections would certainly lead to the transference of the official expenses of elections from the shoulders of the candidate to the rates or taxes, and this would be a mistake.\*

(b) That it would also render irresistible the demand for the payment of members—a system which would involve many serious evils.†

\* See p. 125.

† See p. 149.

21.—(a) That every General Election involves a very considerable disturbance to the trade of the country.

(b) That political animosity and party heat engendered by General Elections would be greater if they were more frequent.

(c) That with more frequent elections party passion would never have time to cool down, and the country would be kept in a state of perpetual turmoil and in continuous preparation for the next election.

22.—(By some.) That, even now, with the Parliamentary, Municipal, School Board, and other Elections, there is little enough peace from electioneering turmoil.

23.—That too frequent Parliamentary Elections would greatly diminish the general interest taken in them, and this would be a serious evil.

24.—That the shortening of the life of a Parliament would greatly diminish the force of the threat of dissolution now often used with salutary effect by the Government of the day.

25.—That the prerogative of the Sovereign in the matter of dissolution would be infringed by being greatly curtailed.

26.—That the Septennial Act has worked very well for the last 174 years, and it is unstatesmanlike and dangerous to make a grave constitutional change without adequate cause.

27.—That the supporters of shorter Parliaments are not yet agreed among themselves on the best term of years to advocate. To every term proposed grave objection can be taken.

28.—That the proposal is only a grievance of the "outs," and would be immediately dropped if they became the "ins."

## PARLIAMENTARY ELECTIONS.

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### REGISTRATION REFORM.

It is proposed, that the Electoral Registration Laws should be amended and simplified. That a Responsible Registration Officer should be appointed in each constituency, whose duty it should be to see that every duly qualified person was put on the register, and kept on the register. That the registration should be continuous, all the year round, and made up at least once a quarter. That the qualifying period of residence should be reduced to three months; and that the disqualifications attaching to removals should be abolished.

In order to vote at Parliamentary Elections a person must possess one or other of the following qualifications:—

1.—As a Householder, he must have lived in the same Parliamentary Division for twelve months preceding the 15th July. He may have removed more than once, but so long as each house occupied is within the Division, he is entitled to the franchise. Any person who separately occupies *part of a house*, the landlord *not* residing on the premises, is entitled to be registered.

2.—As a Freeholder, he must have had possession for six months of property producing forty shillings per annum clear of all expenses.

3.—As a Leaseholder, he must have held for twelve months previous to the 15th July a lease of property worth £50 per annum, and originally created for a term of not less than 20 years ; or a lease of property worth £5 and upwards per annum, and originally created for a term of not less than 60 years.

4.—As a £10 Occupier, he must have occupied for twelve months some land or tenement of £10 clear yearly value.

5.—As a Lodger, he must have occupied rooms in the same house for twelve months. As regards the annual value of the rooms, which is fixed by law at £10, a payment of 4s. a week for unfurnished, or 6s. a week for furnished, rooms, is usually accepted as a sufficient indication of value. A son living at home with his parents may claim, when by agreement with his father he is the sole occupant of a room in the house, and might if he chose lock it up and prevent any other member of the family from entering. Every man over 21 who has a right to the exclusive use of a room or rooms in his parents' house should therefore claim to be put on the Register as a lodger.

6.—The Service Franchise. Bank Managers, Schoolmasters, Caretakers, Servants, and others who occupy rooms or houses rent free on their employers' property, are entitled to this franchise, provided their employers do not reside on the premises.

In Boroughs the Parliamentary Franchise may be exercised by every person qualified :—

1.—As a Householder, including Bank Managers, School-

masters, Servants, Caretakers, and others occupying houses under similar conditions, as in Counties. Any person who separately occupies *part of a house*, the landlord *not* residing on the premises, is entitled to be registered.

2.—As a £10 Occupier, *i.e.*, any one who occupies an Office, Shop, Warehouse, or other building or land, of £10 clear yearly value.

3.—As a Lodger. The conditions are exactly the same as previously described under the head of County qualifications. In all cases Lodgers must claim every year.

4.—As a Freeman. In certain cities and boroughs where such rights are reserved.

The Parliamentary Franchise in no case extends to women.

The Reform of the Registration Laws is supported, on the grounds :—

1.—(a) That Parliament, in giving the vote, intended that every duly qualified person should be able to exercise the franchise.

(b) That, in order to perfect our representative system, every obstruction in the way of the registration of duly qualified persons, should be removed; and registration should be easy, economical, and automatic.\*

2.—That, the existing system is so replete with technicalities, complications, and anomalies, that every obstacle is

\* Some go so far as to argue that each qualified person should be obliged, under penalty, to register himself as a voter; and, further, that every registered voter should be compelled to vote — this proposition need, perhaps, hardly be argued.

put in the way of getting on, and every facility exists for getting struck off, the register.

3.—(a) That the present system of registration originated at the time when the franchise was a restricted franchise, and when the vote was treated as a privilege and not as a right. The object chiefly in view then, was to prevent persons, not properly qualified, from getting on the register.

(b) That, now-a-days, with the extended franchise, and with the vote considered in the light of a public trust, a simple automatic and efficient, not a complicated, costly, and inefficient system of registration is required.

4.—(a) That the registration laws have not kept pace with the extension of the franchise, and, being obsolete, are mischievous.

(b) That where (as is the case here) a distinct political grievance exists, depending not on principle but merely on mechanism, it should unquestionably be remedied.

5.—That, at present, a man cannot obtain and cannot retain his vote, without involving himself or others in great expense, trouble, and worry.

6.—(a) That the obligation of a year's residence, and the general condition precedent to registration, namely the payment of rates, lead to wholesale disfranchisement; especially of the working classes.

(b) That the absurdities and anomalies in connection with "removals" and "successive occupation," result also in wholesale disfranchisement.

7.—That the nominal one year's residence, practically involves a two years' residence, and may involve more, before a man becomes entitled to vote.\*

\* The period of qualification for occupiers and lodgers is twelve months, and the year must be reckoned as the twelve months immediately preceding

8.—(a) That the only residential qualification required, should be just sufficient to enable a correct local register of the voters to be made up at short periodic intervals.

(b) That the qualifying period should not be arbitrarily dated; and should not depend on whether or no a man happened to enter on residence on a particular day.

9.—That the electoral qualification should depend on age, not on residence; on citizenship, not on property or on the payment of rates.\*

10.—(a) That the disqualification attendant on “removals” is anomalous and unjust; † a man, once qualified, should be entitled to retain his qualification though he may change his residence.‡

(b) That change of residence should not stand in the way of qualification for the franchise; nor in the way of due qualification for “successive occupation.”

the 15th of July in any one year; and, for freeholders, full possession of the qualifying property for six months previous to July 15th. The new register does not come into force until the January of each year. Thus, a man who enters into occupation on, say, July 16th, could not even claim to be registered until two years less one day had elapsed, and then a further six months would pass before he would be entitled to vote—in all two and a-half years. At the best, it would take him eighteen months of qualification before he would be in a position to exercise the franchise.

\* See “*Manhood Suffrage*” and “*One man one Vote*.”

† Removal from one Parliamentary Borough and County division to another disfranchises the voter, and he has to go through the whole qualifying process over again.

‡ There is this additional anomaly; that in the case of Borough constituencies, which were formerly one, and were divided into two or more single seat divisions by the Redistribution Act of 1884, the qualification for a householder remains good though he may have moved from one Parliamentary Division to another. For instance, Birmingham formerly returned three members for the whole undivided Borough, it now returns seven members for as many different Parliamentary Divisions. Removal from one Parliamentary Division in Birmingham to another does not disqualify in the case of a householder, but removal to any other Parliamentary Constituency in the Kingdom would both disqualify and disfranchise.

See also Note, p. 117, for London. See also No. 12 (a), p. 84.

11.—That, at present, every removal—and removals are constant and habitual—from one constituency to another, destroys the qualification of “successive occupation;” moreover, a lodger must not only occupy lodgings, but lodgings in the same house during the qualifying period.\*

12.—That every move a man makes, may have been a promotion—he may have risen in the world, and from a lodger become a householder—and may thus have made himself more fitted than before to exercise the franchise; yet, each move practically disfranchises him.

13.—(a) That a man, who, from the nature of his business and calling, has often to change his residence, becomes a voiceless political vagabond.

(b) That, especially is this the case with large numbers of working men, who have to change their dwelling-place according to the location of their work; and are thus disfranchised simply for following their employment.

14.—That the question of disqualification for removal especially affects London, inasmuch as the Metropolis is not, like other Boroughs, treated as a whole, but as a series of separate Boroughs, those namely existing in 1884.†

15.—That the freeholder, however much he moves about,

\* For a householder, or occupier of land or tenement, successive occupation in the same Parliamentary Borough and County Division during the year of qualification is requisite. For a lodger, occupation of lodgings in the same house. See p. 113.

† For instance, the old undivided Borough of the Tower Hamlets returned two members. In 1884, the old Borough was divided into seven Parliamentary Divisions, each returning one member. A householder removing from one part of the Tower Hamlets to another, does not prejudice his qualification; but if he removes over the borders (perhaps only across a street) into Hackney, he disqualifies himself. (See also 12 (b), p. 84.) How largely removals, etc., disqualify in the poorer parts of London, is shown from the very low per centage of electors to population as compared to other large

still retains his vote ; because his qualification remains constant.

16.—(a) That the “ Overseers,” who are supposed to make out the list of voters, are for the most part untrained men, with no particular interest in the work. These lists are, as a rule, most inaccurate ; while they obtain no sufficient publicity to enable a man easily to ascertain whether he has been put on the register or no.

(b) That the ordinary individual is at a loss to know, whether he is duly qualified, and to discover how he ought to proceed to obtain his rights ; cost, trouble, and annoyance are involved if he attempts the task.

17.—(a) That, thus, the public system of registration has of necessity to be supplemented by private effort and enterprise ; with the result, that registration has become part of the necessary duty of the political and party organization ; and the voters, in order to obtain their rights, are driven into the hands of political agents.

18.—(a) That it is manifestly an indefensible anomaly that the registration of a voter should depend on the activity, and be undertaken in the interests, of a political party.

(b) That it leads to the deliberate and injurious use of technicalities to keep off duly qualified, and to hard swearing and deception in order to get on not properly qualified, persons.

(c) That, the whole work is done twice over, once by each of the political parties ; involving double expense and great waste of power.

19.—(a) That the reduction of the qualifying period to

towns. For instance (1890), Bury with a population of 55,000 has a registered electorate of 8,200 ; while St. George's-in-the-East (an extreme case), with a population of 50,000, has a registered electorate of only 4,300.

three months, the disappearance of disqualification for "removal," and the niceties of "successive occupation," would immensely simplify and greatly reduce the expense, trouble, manipulation, and chicanery of the registration system.

(b) That, in connection with registration reform, the costly and troublesome interposition of the revising barristers could be done away with.

20.—(a) That, with a continuous or quarterly registration, the register would be as representative and as complete at one period of the year as at another.

(b) That, at present, this is by no means the case; and an election, if taken at one period of the year, might, and probably in many constituencies would, result differently than if taken at another.\*

21.—That one step in the right direction has already been taken in Scotland, by the appointment of a public registration officer—with excellent results.

On the other hand, it is contended :-

"There are no snakes in Iceland."—The principle of registration reform is not seriously opposed by any persons.

Pleas of delay—of dislike to re-open the reform question—of the possibilities of increased public expense—are sometimes raised, but these do not affect the principle.†

\* The register is "new" on January 1st; and as the year proceeds becomes ever more "rotten."

† One argument, and one argument only, was raised in the Debate of 1891, directed against the expediency of a shorter period of qualification, namely, that "it would be possible in certain cases, which might easily be imagined, to flood a constituency with new voters in order to win an election." (Mr. Chamberlain, March 3, 1891.)

### THE BALLOT.

The Ballot Act of 1872 was passed experimentally for a limited number of years, and expired in December, 1881, and is only now kept in force by being included each session in the Continuation Act.

The principle of secrecy of voting is, however, so definitely accepted, that it is not worth while to recapitulate the reasons advanced for and against the Ballot.

#### *Illiterate Voters.*

It is probable, however, that one point connected with the Ballot will be re-discussed; namely, the question whether the illiterate voter, who solicits assistance in recording his vote, should continue to receive the help of the officer presiding at the polling-booth in marking his ballot paper.\*

It is contended that this assistance should be withdrawn, on the grounds :—

1.—(a) That a man so illiterate as to be unable to mark a ballot-paper correctly, is presumably too ignorant to be worthy of a vote.

(b) That the illiterate man, not being able to acquire information by reading, is more likely to be at the bidding of the unscrupulous agitator.

2.—That the desire of being able to record his vote will be an incentive to acquire education.

3.—(a) That it is possible for the voter who claims assistance to make known which way he votes, and so the door

\* In 1886, 4,700,000 electors polled, of whom 186,500 were illiterates. Of these, 98,400 were in Ireland. (P. P. 165 of 1886.)

is left ajar to bribery and intimidation, more especially as the illiterate voter is likely to be amenable to corrupt influences.

(b) That literate voters are induced to plead illiteracy, so that the briber may know which way they vote.

4.—(a) That the voter will not be disfranchised except by his own illiteracy. There is nothing to prevent him from voting if he likes; it is only proposed to withdraw a special privilege now granted to ignorance.

(b) That an illiterate of ordinary intelligence could be easily taught how to mark his ballot-paper: the returning officer has great latitude in judging of the evident intention of the voter.

5.—(By some.) That the extension of the franchise to Ireland has conferred votes on a vast number of illiterates; and all the abuses springing from “illiterate voting”—accentuated by priestly pressure—are there so rife as to warrant the withdrawal of the privilege accorded to illiteracy.

On the other hand, it is contended that the illiterate voter who solicits assistance from the presiding officer, should be entitled to receive it, on the grounds:—

1.—That he represents “a household” and is as much interested in good government as the well-educated voter; and if he were deprived of the assistance necessary to him in recording his vote, he would be practically disfranchised.

2.—That if he has to record his vote without assistance, he will give it in a haphazard manner, and it might be recorded for the wrong candidate, or be lost from infringement of the rules of voting—either result would be an anomaly.

3.—That as the number of illiterates—especially in Ireland—has been largely increased by the Franchise Bill, it is still more necessary to grant this assistance.

4.—That the question is a small one, and of diminishing importance; illiteracy is gradually disappearing before the spread of education.

5.—That as the presiding officer and those attending in the booths are bound to secrecy, and as proper care is taken to prevent exposure, no infringement of secrecy is possible.

6.—That as the blind, and those physically incapable of marking the voting paper, are assisted by the presiding officer, the uneducated, who are equally unfortunate, should receive the same assistance.

### CANVASSING.

It is proposed to prohibit canvassing at Parliamentary Elections on the part of the candidate, and systematic volunteer canvassing on the part of other persons.\*

These proposals are upheld on the grounds:—

1.—(a) That canvassing stultifies to a very considerable extent the advantages of the secrecy of the ballot.

(b) That the liberty of the voter is most seriously curtailed in consequence of the pressure brought to bear on him by canvassers.

\* The Corrupt Practices Act of 1883, by strictly limiting employment prohibited for the future the use of paid canvassers. Personal and systematic canvassing, if unpaid, is, however, not affected by the Act.

(c) That as they have been given the ballot, voters have a right to be protected from personal solicitation.

2.—That it leads to intimidation.

3.—That it leads to bribery, both by bringing the canvasser into direct contact with the voter, and by making known who are most likely to be amenable to a bribe.

4.—That it leads to much deception on the part of the voter.

5.—That many unauthorised promises are made and pledges taken, on behalf of the candidate, which he is not able to redeem.

6.—(a) That the whole energy of the canvassers is practically directed towards inducing those to vote who have no political opinions or convictions.

(b) That if canvassing were abolished, the most indifferent and the most ignorant voters would not poll; and this would be an advantage.

7.—That under the ballot, canvassing has lost its former advantage of being a guide to the probable result of the poll.

8.—(a) That there would be little difficulty in defining candidate-canvassing and systematic unpaid canvassing.

(b) That in the same way that "agency" cannot be strictly defined, and has to be left to the election judges to decide, so "canvassing" could be left to their decision.

(c) That as long as it is legal, both sides are obliged to undertake canvassing. But as both canvasser and canvasee dislike the system of canvassing, a law prohibiting the practice would be thankfully obeyed; and the necessity of deciding whether the law had been broken would seldom or never arise.

9.—That canvassing will not cease unless it be made absolutely illegal, with invalidation of election on breach of the law.

10.—That the supposed educating advantages of canvassing do not exist.

The prohibition of a personal canvass on the part of the candidate is also upheld, on the grounds :—

11.—That canvassing implies a vast waste of time and energy, without any compensating advantages of real personal intercourse between candidate and elector.

12.—That it is humiliating for the candidate to be obliged personally to solicit the votes of the electors.

13.—That by means of more frequent meetings and deputations, the candidate could (and would) give the electors better opportunity of becoming acquainted with him, and with his opinions, than through the medium of canvassing.

On the other hand, the abolition of canvassing is opposed on the grounds :—

1.—That it would be a gross interference with the liberty of the subject.

2.—That as it is practically the candidate who solicits the suffrages of the constituency, and not the constituency which prays the candidate to stand, it is not unreasonable to expect that both he and his friends should take trouble and spend money in informing the constituency of his desire, and of his qualifications, to represent them.

3.—That its abolition would be greatly to the advantage of local men; and local influence is already more than sufficiently represented in Parliament.

4.—That constituencies would require more careful and laborious “nursing” between election times.

5.—(a) That it would be very difficult, and well nigh im-

possible, legally to define canvassing, while means would be easily found of evading the law.

(b) That it would be intolerable to impose silence on the question of the merits of the candidates, etc.; and without absolute prohibition it would be impossible to draw the line between "conversation" and "canvassing."

(c) That it would be impossible to punish the candidate for a harmless excess of zeal on the part of some friend.

6.—That it would greatly increase the number of election petitions.

The personal canvass of the elector by the candidate is also upheld, on the grounds:—

7.—(a) That it is mutually advantageous to the candidate and to the elector to become personally acquainted with one another; while canvassing on the part of others has an educating effect on the electors.

(b) That this could not be done so effectually by means of meetings or deputations.

8.—That every voter has a right to see the candidate or his representatives, and to question him, or them, about the former's political opinions, and this he cannot conveniently accomplish unless canvassed.

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### THE "OFFICIAL" EXPENSES OF ELECTIONS.\*

It is proposed to relieve Parliamentary candidates of the cost of the Parliamentary machinery of elections

\* See also section on *Payment of Members*.

—the Returning Officers' expenses at present cast upon them.\* This proposal is urged on the grounds :—

1.—That, at present, however much a candidate and his supporters may desire to conduct the election without expense, they cannot escape the payment of a large sum enforced by the State.

2.—That this compulsory charge constitutes a property qualification; yet Parliament, as long ago as 1858, professed to abolish all property qualifications for Members of Parliament.

3.—(a) That it is unjust and inexpedient that the candidate, desirous of serving his country, should be called upon to bear the cost of elaborate and expensive machinery, the use of which is enforced by the State for its own purposes, and over the working of which he has no control.

(b) That more especially is this the case where the burden is from time to time increased by the popular desire to afford greater facilities for voting, or of encouraging purity—the nation is liberal at the expense of the individual.

4.—(a) That constituencies ought to have the fullest possible choice of candidates.

(b) That the necessity of meeting the cost of conducting the election, greatly limits the range of choice.

(c) That, more especially is this the case in regard to "labour" candidates.

5.—That opinions, not purses, should be represented in Parliament.

6.—(a) That, as the cost of elections are gradually being

\* The Returning Officers' expenses at the election of 1880 amounted to £134,000 out of a total expenditure of £1,650,000; in 1886 they were £140,000 out of a total expenditure of £624,000. The amounts vary (for contested elections) from some £80 to £670 in boroughs, and from £270 to £730 in counties.

reduced, the official expenses constitute an ever larger proportion of the whole cost.

(b) That their transference would encourage still more, because it would make possible, cheap elections.

7.—(a) That the Returning Officers' expenses constitute but a very small proportion of the whole cost of elections; their transference would not, therefore, encourage frivolous or vexatious candidatures.

(b) That the cost of "sitting," and not the cost of "standing," constitutes the real deterrent to the political adventurer.

8.—(a) That the system of Second Ballots\* might be adopted in case of a multiplicity of candidates.

(b) That if the system of Second Ballots were not acceptable, there would be no great difficulty in checking frivolous or vexatious candidatures, by requiring a deposit from each candidate to be forfeited unless he polled a certain proportion of the electorate.

(c) That, abroad, where the official expenses are borne by the State, frivolous candidatures are almost unknown.

9.—That in the case of School Board, Municipal and County Courts elections the official expenses are a charge on the rates.

10.—That the payment by the State of that portion of the expenses of elections which is due to the machinery alone, would in no way interfere with the personal and political independence of members.

11.—(a) That the amount of these expenses varies in different constituencies;† they constitute therefore a varying burden on different candidates, and a varying charge for the same office.

\* That is to say, that if no candidate polls an absolute majority of the total vote cast at the first election, another ballot takes place, at which the candidate highest on the poll is elected. See section on "*Second Ballot*."

† See note, p. 126.

(b) That, in a two-membered constituency, the candidate at a bye-election is charged with double the expense that he would have to meet at a general election.

12.—(a) That the candidate has no check nor control over this expenditure, and cannot, without incurring political odium, refuse to pay the amount demanded by the Returning Officer.

(b) That, as an Imperial or local charge, the amount of expenditure would be strictly supervised and limited.

13.—That in the case of all the other European nations, this charge is either an Imperial or local one.

On the other hand it is contended :—

1.—(a) That the question is not one of abolishing or diminishing the costs of elections, but affects merely the incidence of a certain portion—a necessary and essential portion—of the cost.

(b) That it is just and right that the candidate who aspires to a seat in the House, should be called upon to pay the cost of the machinery of the election which his candidature renders necessary.

2.—That the independence of members would be seriously affected, if they were indebted for their election expenses either to the State or to the locality they represented.

3.—That, by diminishing the legitimate cost of elections, the standard of the House would be lowered.

4.—That the official expenses of elections bear but a small proportion to the whole cost, and no *bonâ fide* or representative candidate is prevented from standing by the necessity of producing the comparatively small sum compulsorily required.

5.—(a) That to relieve the candidate of the cost of the election would be to encourage the candidature of political adventurers.

(b) That to relieve the candidate of the cost of his election would be to encourage frivolous and vexatious candidatures.

(c) That, even in the case of School Board and Municipal Elections, frivolous candidatures are by no means unknown ; and the attraction of a Parliamentary candidature would be much greater.

6.—(a) That it would become essential to introduce some safeguard against a multiplicity of candidates ; and no satisfactory safeguard can be devised.

(b) That the system of Second Ballots would in itself introduce many evils—it would increase the number of candidates ; it would, as it has done abroad, divide parties up into an infinite number of "groups," and so make party government impossible ; it would involve the duplication of the worry, trouble and expense of elections.†

(c) That any system of deposit, to be forfeited unless certain conditions were fulfilled, would act very unfairly, would be almost impossible to work, and would in itself constitute a form of property qualification.

7.—That School Board and Municipal, etc., Elections form no precedent. There are local elections for local purposes ; the official expenses form the chief portion of the cost of the election ; and, as the duties are not very attractive, it is essential to remove every obstacle to candidature.

8.—That no comparison with the system prevailing abroad is possible ; there, a Parliamentary seat is neither so honourable nor so greedily sought after as in England ; while, as a matter of fact, the candidates (in consequence of the payment of election expenses and the salaries of members) are not of a high class.

9.—That, the official expenses being fixed by Act of

\* See section *Second Ballots*.

Parliament, exorbitant charges on the part of the Returning Officer are not possible.

If the principle of the relief of the candidate be granted, the further question arises whether the burden should be thrown on the taxes, or on the rates; on the nation at large, or on the constituency.

Those in favour of placing the burden on the rates, argue:—

1.—That as the district chooses the member, and he represents them in Parliament, it should also pay the cost of the election.

2.—That, in the case of the School Board and Municipal Election, the burden is borne by the locality.

3.—(a) That, now-a-days, it is practically the ratepayers who constitute the electorate.

(b) That, if the burden were placed on the taxes, non-electors would have to bear a portion of the cost.

4.—That contests would be discouraged, to the advantage of continuity of policy and of person.

5.—That the local interest in economy would act as a check on the expenditure.

Those in favour of placing the burden on the Consolidated Fund argue, however:—

1.—(a) That the expenditure is for National not for Local purposes, thereby differing from the cost of School Board or Municipal Elections, which is rightly met from the rates.

(b) That, to place the charge on the rates, would be to confirm the vicious principle that the member represented

the petty local interests, instead of the general political and national feeling contained in the constituency.

2.—That the member would be more independent and less of a delegate, if he were indebted to the State and not to his constituents for the expenses of his election.

3.—That ratepayers and electors are not synonymous: to place the expenses on the rates would be to throw a direct burden on many non-electors—women, peers, &c.

4.—(a) That the charge, if placed on the taxes, would be an uniform burden over the whole country; if placed on the rates, the charge (which itself varies in different localities) would constitute a proportionately heavier burden on small or straggling than on large or compact constituencies.

(b) That the ratepayers in one constituency, which should not happen to be contested, would escape all charge.

(c) That the ratepayers in a constituency in which, through any cause, a bye election took place, would be put to a double expense.

5.—That so long as local taxation remains unreformed, the incidence of local taxation is unfair; and to add to it would be to accentuate the existing injustice.

6.—That to throw the burden on the locality would tend to discourage contests, which, from a politico-educational point of view, are advantageous.

7.—That it is advantageous to encourage increased facilities for recording the votes; public opinion would favour these if the charge were a national one, local opinion would discourage them if the charge were to come on the rates.

8.—That Exchequer control and audit would tend towards economy, by ensuring that those who have a pecuniary interest in the amount of the expenditure should not have the power of increasing it.

## SECOND BALLOTS.

It is proposed that, along with the transference of the official expenses of elections to the taxes or rates,\* and the provision for the payment of members,† a system of "Second Ballots" should be introduced.

That is to say, that, if at the first election, the candidate highest on the poll, does not obtain a clear majority of the aggregate votes cast, a second election shall take place, at which the candidate then highest on the poll will be duly elected.‡

This proposition is defended on the grounds :—

1.—(a) That, by this means alone, will the other electoral reforms be safeguarded ; and the object aimed at by them—true representation of the majority—be attained.

(b) That the system of second ballots is simple and effective, and gives logical completeness to the representative system.

2.—(a) That one of the principal objects of cheapening elections and paying members, is to give the greatest possible choice of candidates to the electors.

(b) That these, and other electoral reforms, would unquestionably lead, in very many instances, to a multiplicity of candidates.

\* See p. 125.

† See p. 149.

‡ It is usually proposed that, at the second election, the choice of the electors should be restricted (in single seat constituencies) to the two candidates (among those who had not withdrawn) who stood highest on the poll at the first election. Of course, in no case, would fresh nominations be allowed.

(c) That, without a system of second ballot, the majority of the electors, where they divided their votes among two or more candidates,\* might be outvoted by a compact minority.†

∴ (d) That, thus, the minority, instead of the majority, obtains the representation; and the constituency, during the existence of that Parliament, is misrepresented.‡

3.—(a) That a necessary corollary to single-seat constituencies is, that a candidate should secure an absolute majority of the vote cast before he can be duly elected.

(b) That with “double-barrelled” seats, the different shades of opinion existing in a party, and with “three-cornered” seats the minority also, were represented, or might be represented; neither of these things is possible under the system of single seats, now almost universal. §

(c) That it is essential, therefore, that some means should be found, whereby, without endangering the seat, it may be possible to select the candidate whose views are most in accordance with those of the majority. Second Ballots and Single Seats go together.

4.—(a) That, at present, there is often great difficulty, when selecting a candidate, to discover which person or whose views will meet with most support from the party. The first

\* Throughout, for the sake of simplicity “single seats” are assumed; the arguments mostly hold good for “double barrelled” seats as well. There are now no “three cornered” seats.

† At the election of 1874, no less than 13 Liberal seats were lost in consequence of a multiplicity of Liberal candidates. These 13 seats, representing 26 votes on a division, constituted half the whole Tory majority in that Parliament.

‡ In the election of 1885, for instance, two Liberals stood for Peckham and polled between them 3,510 votes, the Conservative candidate, however, securing the seat with a poll of 3,362 votes. Similarly, in N. Lambeth, the two Liberals polled together 3,038 votes, the successful Conservative but 2,542, the electorate numbering nearly 8,000.

§ There were twenty-nine “double barrelled” constituencies only left by the Reform Bill of 1884.

ballot would give an easy means of accurately testing the opinions of the Party.

(b) That the noisy, active, extreme section of a Party often force on the Party as a whole, candidates distasteful to the majority. At present, the fear of splitting the Party enforces acquiescence in the selection; with the result, that the seat is lost, or, if won, a large portion of the Party remains practically misrepresented.

(c) That a system of second ballots would protect the majority of a Party in a constituency from the mistakes, or worse, of wire-pulling dictation.

5.—That the constituency as a whole, should not be punished, by being misrepresented, because of local jealousies or blunders.

6.—(a) That, though a section of the Party might, in the end, be unsuccessful in returning their candidate, their special views and special grievances—at present necessarily stifled or “squared”—would obtain a public hearing.

(b) That a system of second ballots would give the best and readiest means of accurately ascertaining the real extent and importance of particular opinions in current politics.

7.—That candidates and members would be more independent if they had not, as at present, to submit to pressure, or to compromise on so many different questions, in order to meet the views of the different sections of their Party.

8.—(a) That Party organization would be sufficient to prevent the Second Ballot from being used as an instrument to ventilate any but substantially supported divergences of opinion.

(b) That, at the first or second elections after the introduction of the system, there would probably be, in many constituencies, a multiplicity of candidates belonging

to the same Party, anxious to test the relative strength of their particular views; but the relative strength of the different sections of the Party once satisfactorily tested, the Party as a whole would deprecate continual division, and become—because unity would be founded on knowledge—more consolidated than before; and thus, a multiplicity of candidates would in the end be discouraged and not encouraged.

9.—(a) (By some.) That, along with the introduction of a system of second ballots, it would be just and necessary, in order to prevent mere frivolous candidatures, that a deposit should be made by each candidate, to be forfeited if he did not poll a certain proportion of the electorate, or of the votes actually cast.\*

(b) That, thus, while no *bonâ fide* candidature would be prevented, the cheap indulgence of human vanity and selfishness would be prevented.

(c) That such a deposit would in no sense constitute a property qualification—it would only be forfeited if an overwhelming majority of the electorate were unfavourable.†

\* Two very different things, especially in London. For instance, in Stepney, the voters numbering 6,900, the total votes polled in 1886 only amounted to 3,970, little more than half the electorate. Thus—assuming that the requisite per centage to be polled to save forfeit, is put at ten per cent.—if the percentage were reckoned on the electorate, the candidate would have had, in this case, to poll 690 votes, if reckoned on the votes actually polled, only 397. In the case of (for instance) the Darwin election of 1845, where the poll was a very high one, the difference would have been small; 11,750 votes were polled out of an electorate of 12,600. A concrete instance is that of the Mile End election of 1885, where the total electorate being 5,880, and the total votes cast 3,953, the lowest unsuccessful candidate polled 420 votes; thus, if the percentage were fixed on the electorate, the deposit would have been forfeited; if on the votes polled, it would have been saved.

† To meet the objection that the deposit would constitute a property qualification, an alternative suggestion is sometimes made, that a requisition, signed by a certain percentage of the electors, should be a necessary antecedent

10.—That the introduction of second ballots would lead to the abolition of existing “double-barrelled” seats—now an anomaly.

11.—That the system of second ballots almost universally prevails abroad;\* and works without difficulty or friction.

12.—(a) (By some.) That the Liberal Party, even now, suffer from a plurality of candidates.

(b) That the growth of “Labour” and “Socialist” opinions, combined with universal suffrage, the payment of members, and the transference of the official expenses, would greatly encourage the multiplication of “Liberal” candidates.

(c) That the introduction of second ballots constitutes the only hope for the Liberals of avoiding the loss of many seats; and of maintaining the homogeneity of their Party.

(d) That, by this means alone, without endangering the seat, can the opinion of the constituency, in regard to the particular “Liberal” opinion most prevalent, be easily and accurately ascertained.

(e) That, at the second ballot, the different sections of the Party would sink their differences and loyally support the Liberal candidate highest on the poll.

(f) That, thus, the danger of a loss of seat would be minimised; while a desirable, because safe, opportunity would be given to the various sections within the Party of testing their relative strength.

(g) That, thus, a system of second ballots would lead to a greater solidarity in the Party than at present exists.

to the legality of a candidature. But to this plan there are obvious objections—practical infringement of the secrecy of the ballot, trouble, expense, difficulty of check and verification, etc.

\* See P. P.—2987. (1881.)

On the other hand, it is contended :—

1.—That the present system of elections works well ; and, on the whole, results in an accurate representation of the opinion of the constituencies.

2.—(a) That a divided majority—often differing more seriously from one another than from the minority—cannot be said to be a majority of opinion.

(b) That, if the minority be greater in numbers than either or any of the sections of the majority, and thus obtains the seat, the largest single section of opinion has carried the day, and the constituency is properly represented.

(c) That the candidate returned by the majority at the second election, would often not be the true choice of the constituency, but only the nominee of a section ; not the representative of a Party but the representative of one particular shade of opinion in the Party.

3.—(a) That because a Party generally, or in a particular district, is so disorganised that it cannot arrange its internal quarrels, is no reason for dislocating the whole electoral system in order artificially to arrange these disputes.

(b) That, if a constituency so mismanages that the minority win the seat, it must suffer for its blunder.

4.—(a) That one great advantage of the present system is, that all sections, classes, and opinions in the Party combine, and work heartily, loyally, and unitedly for the common cause.

(b) That a system of second ballots would encourage divisions, and accentuate differences ; would lead to suspicion, intrigue, and jealousy ; to the setting of class against class, wealth against poverty, labour against capital.

5.—(a) That, often, at the second ballot, the Party as a whole, would not coalesce nor give their united support to

the nominee of a section ; and thus the minority would still gain the seat.

(b) That this is all the more probable, inasmuch as the real contest at the first ballot would have been, not between the two opposing Parties, but between the different sections of one Party—the object being to place the special candidate higher on the poll than the candidate of the other section or sections, so that, at the second ballot, he may become the selected candidate. Friction, heat, and ill-feeling would have been engendered, resulting in wholesale abstention at the second ballot by the partisans of the less successful candidates.

(c) That, unless coalition takes place, there is no virtue and no advantage in the second ballot—the minority would still obtain the seat.

(d) That if the minority of the majority abstain, and the majority of the majority are nevertheless successful in returning their candidate at the second ballot, the member, so returned, will sit, not as a representative and supporter of the Party at large, but only and specially of a section.

6.—(a) That, apart from any divisions in the Party, the second election, where it takes place, would not fairly reflect the opinion of the constituency.

(b) That it would be impossible to keep up for the second election the excitement and interest that prevailed at the first election ; or to get the bulk of the electors to record their votes twice within a few days.

(c) That, as it is, many electors are with difficulty persuaded to vote, while to many others, especially to working men, voting involves sacrifice of time or money. Thus a large number, who had voted at the first ballot, would be forced to, or would abstain at the second ; while some who abstained at the first, would vote at the second.

(d) (By some.) That this would be more especially the case

with "Liberal" voters; the Party does not possess the same facilities as their opponents of bringing the electors to the poll; and depends more on the working classes.

(e) That, thus, the opinion of the constituency recorded at the first, might be reversed at the second ballot.

7.—That the system of voting prevailing abroad is very different to that prevailing here. Moreover, the elections are greatly facilitated by being held on a Sunday\*—impossible in England.

8.—That pushing, obstinate, ill-conditioned men would force themselves on the constituencies; and moderate, fair-minded, and public-spirited men would be forced aside, or deterred from becoming candidates. Thus the *personnel* of the House would seriously suffer.

9.—(a) That a double expense and a double trouble would be involved to the candidate and to his Party, by the introduction of second ballots.

(b) That the additional expense involved would greatly tell against "Labour" candidates; and the benefit of the economy derived from the other electoral changes, would be largely lost.

10.—That the country would not stand the worry, trouble and expense of double elections.

11.—(a) That it would greatly encourage frivolous and vexatious candidatures. A crotchety or notoriety-seeking individual would be enabled, without loss to himself, and without endangering the seat, to air his crotchets, and to obtain the notoriety he sought.

(b) That any compulsory deposit with forfeit, would constitute a property qualification—for no man can tell beforehand what proportion of the electorate he will poll.†

\* Not so, however, in Germany.

† See note. p. 145.

12.—That Second Ballots would involve the abolition of the remaining double seats,—and this would not be expedient.

13.—(a) (By some.) That it would totally destroy all cohesion, already somewhat attenuated, in the Liberal Party.

(b) That there would be nothing to prevent, and everything to encourage, a multiplicity of “Liberal” candidates of various shades of opinion.

(c) That the supporters of those different candidates would be, before and during the election, working strenuously against one another; and, whatever the result of the election,—and many seats would be lost by abstentions at the second ballots\*—the local “Liberal” Party would be permanently split up into rival and hostile camps.

(d) That the various candidates would stand, and would be labelled as belonging to a particular section of the Party; and the member, when returned, would sit and vote with the particular section of the Party in the House to which he belonged. Thus, the Party, both inside and outside the House, instead of being homogeneous, would be split up into different and distinct sections; and the Liberal Party, and especially a Liberal Government, would be completely paralyzed.

(e) That the effect of second ballots on the system of Party Government is seen in France. There the Republican (the Liberal) Party, though in an enormous majority in the country, is so split up into multifarious and diverse groups, each with its own leader and its own organ in the press, that the Government of the day is merely a Government on sufferance; is constantly being changed, and is almost impotent for action.

\* See No. 6, p. 138.

## ELECTIONS ON ONE AND THE SAME DAY.

It is proposed that, at a General Election, all the elections should be held on one and the same day; either on a fixed day in the week (Saturday is usually suggested), or within a fixed number of days after the issue of the writ.\* At present, the Returning Officer has a certain amount of discretion, after the receipt of the writ, in fixing the day of polling. In Boroughs the election must take place within nine days after the writ is received; while in Counties the period can be prolonged to seventeen days.†

This proposal is urged, on the grounds:—

1.—(a) That it is not right that the returning officer—often a partisan—should have any discretion in fixing the day of the poll.

(b) That the poll is now often fixed on a particular day because of the anticipated advantage to one Party and the disadvantage of the other.

2.—That, in many places, certain classes of electors—fishermen, sailors, railway men, etc.—are partially disfranchised by fixing the poll on one day rather than on another.

3.—(a) That there is little force in the argument that,

\* Some suggest that, as a modification, the Borough Elections should be held on one day and the County Elections on another; many propose that, without adopting the system of simultaneous election, the discretion now left to the returning officer should be largely contracted.

† At the General Election of 1885, the first contested election took place on November 24, the last (exclusive of Orkney and Shetland) on December 9.

with a fixed day in the week, elections would often take place on "market" or other inconvenient days, at present avoided. Elections only come once in several years; and, already, they often, in counties, take place on market days in some places. Now-a-days, the disturbance caused by an election is comparatively slight.

(b) That the country would soon become habituated to elections on a fixed day in the week; and local circumstances would be arranged accordingly.

4—(a) That a fixed period of election, would greatly tend to shorten the average period of the contests; and this would be an advantage.

(b) That it would reduce the expense of elections.

5.—That elections are now peaceful and orderly, and no extra force of police is required on the spot.

6.—(a) That at present, the earlier elections exercise an undue influence on the later. The prestige of success of one Party at the earlier elections, often helps to turn the scale in some of the later.

(b) That each elector ought to exercise his franchise independently, and unbiassed by the result of the poll elsewhere—this can only be obtained by means of simultaneous elections.

7.—That it would do much to minimise the evils of plural voting; time would not permit of separate votes being recorded in different constituencies.

On the other hand, it is contended:—

1.—That the present elastic system is far the most convenient for the locality; and allows the day of the poll to be fixed according to the varying circumstances of Borough and County, of constituency and constituency.

2.—(a) That, with a fixed day, the day of the poll

would often necessarily fall on a market, or some other inconvenient day; to the disturbance of trade, and to the annoyance of the locality.

(b) That, in nearly every locality, one day in the week is usually more convenient than another; a fixed day, ignoring local circumstances, would, in many places, often practically disfranchise a considerable number of electors.

3.—(a) That the only day that would be equally convenient to all is Sunday—and Sunday, in England, is out of the question.

(b) That the simultaneous elections abroad usually take place on a Sunday.

4.—That, now-a-days, the returning officer does not use his power unfairly or corruptly; but fixes a day—usually after consultation with the representatives of the candidates—likely to be most convenient and desirable to all parties.

5.—That, if the day of poll were a fixed day in the week, the writ might be issued at a moment that would delay the election by five or six days.

6.—That it would be difficult, in the counties at least, to find a sufficiency of competent persons to act as returning officers, polling clerks, etc. This would be especially the case, if the number of polling booths was increased; and the tendency is all in that direction.

7.—(a) That, very often, even with elections as peaceful and orderly as they now usually are, extra police have to be drafted into a constituency on the day of the poll to keep order. That, with simultaneous elections, there would be no means of obtaining these extra police, they would each and all be wanted in their own districts.

(b) That the argument applies with great force to Ireland, where elections are not invariably peaceful.

8.—(By some.) That it is an advantage that earlier elections should, as they do, influence the later elections.

It is better for the country that the Party obtaining the majority, should obtain a large majority, and be strong in the House of Commons.

9.—That simultaneous elections would be but a poor palliate against the evils of plural voting; abolition is the only remedy.

## REFORM OF THE PROCEDURE OF THE HOUSE OF COMMONS.

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THE modern form of "Obstruction" may be said to have taken its rise in the session of 1871, in the discussions on the Ballot Bill of that year. Since then it has become a settled institution, and an ever-increasing evil.

To meet it, Sir S. Northcote, in 1877, introduced his first Resolutions. As passed, they provided for the suspension of a member for the period of the debate, if thrice called to order; and that, in committee, the same member should not be allowed more than once to move the adjournment of the debate. The futility of these Resolutions was, however, immediately demonstrated by the 26½ hours' sitting of July 31, 1877. Again, in 1880, on the motion of Sir S. Northcote, a further standing order was adopted, slightly increasing the penalty and the facilities of suspension, for persistent and wilful obstruction.

The question was, however, first seriously taken up by Mr. Gladstone in 1881, after the provocation of a very prolonged debate on the Address, and of a 22 hours' and a 41 hours' sitting,\* with general obstruction of business.† The "urgency rules" were adopted, by which, when the "urgency" of any particular question was declared by the House on the motion of its leader, extensive powers of closing the debate were conferred on the Speaker; at the

\* The 41 hours' sitting was on the Coercion Bill, and was ended by the Speaker (Sir H. Brand) of his own motion, closing the debate, and refusing to call upon any further speakers.

† During the three months of the short second session of 1880 (according

same time the Speaker was also authorised to frame and enforce rules affecting the forms of the House, calculated to diminish obstruction. The "urgency" rules were successfully applied more than once during the session of 1881.

In the following session, 1882, Mr. Gladstone opened up the whole question of the Procedure of the House of Commons, and introduced a series of new standing orders, adopting most of the "urgency" rules framed the previous session by the Speaker. Unable to pass his proposals in the course of the ordinary session, an autumn session was held to consider them. As ultimately adopted, they provided (1) Against Obstruction and waste of time:—(a) By the introduction of a "closure" rule, by means of which, if in the opinion of the Speaker it became the "evident sense of the House" that a question had been "adequately discussed," he could put the question without further debate; the proposal, to be effective, had, however, to be supported by over 100 members when the minority was under 40, or by over 200 when the minority exceeded 40.\* (b) By increasing the stringency of the rules directed against disorderly conduct; a first suspension involved exclusion for a week, a second for a fortnight, a third for a month; while power was given to the Speaker to silence any member for "continued irrelevance or tedious repetitions." (c) By depriving members of their former power of moving the adjournment of the House, in order to call attention to any question, unless it were a "definite matter of urgent public importance," and

to Lord Hartington) six members—Lord R. Churchill, Sir H. Wolff, Mr. Gorst, Mr. Biggar, Mr. Finnigan, and Mr. A. O'Connor—made between them 407 speeches, and in addition asked 166 questions. Allowing ten minutes only for each speech, and putting aside the questions, each session would, if all the other members occupied the same amount of time as these six, last over eight years!

\* This "closure" rule itself was only once actually enforced, namely, on February 24, 1885, and, on that occasion, in consequence of the opposition and abstention of many members, the motion nearly failed to obtain the requisite majority, the numbers being but 207 to 46.

unless the mover were supported by 40 members, rising in their places. (d) By confining the discussion on an ordinary motion for adjournment of the House, or of the debate, to the question of adjournment; by prohibiting a member from twice moving, or twice speaking on, the adjournment; and by empowering the Speaker to refuse to put a motion for adjournment if he considered it "an abuse of the rules of the House." (e) By altering the rules as regards "going into committee of supply," the "half-past twelve rule," &c., so as to facilitate business and economise time. (2) For Devolution of Business, by the appointment, as a sessional order, of two public Grand Committees, to consist of 60 to 80 members, one for Law and one for Trade and Justice, to which all Bills affecting these questions were to be referred, and there thrashed out, though Bills reported to the House by the Grand Committees could be re-discussed by the House.\*

Though these rules were unquestionably of much use, the forms of the House still adapted themselves so readily to the delay of business, that though each Government, session by session, encroached more and more on the time allotted to private members, the length of the sittings appreciably increased, and the strain on the strength and health of members gradually became intolerable. Consequently, in 1887, and again in 1888, Lord Salisbury's Government revolutionized, with (so far as can as yet be judged) singularly good effect, the rules of procedure of the House of Commons.

Under the New Rules, as ultimately adopted:—

(1.) All contentious business was, in the ordinary way, to end at midnight.†

\* The question of "Grand Committees" was inserted in the third edition of this book, published in May, 1881; since then the section has been omitted.

Grand Committees were appointed during the session of 1883, and were revived in the session of 1888, and are now a standing institution.

† The House beginning its ordinary sitting at 3 instead of at 4 o'clock. When there is a morning sitting, namely, from 2 till 7 p.m., the evening

(2.) The Committee and Report stages of the Address at the beginning of the Session were abolished; the process of "going into Committee" was further simplified, and there was a limitation of the amendments possible on the "Report" stage of Bills.

(3.) Notice of Questions could, in future, only be given in writing.

(4.) The Speaker or Chairman was invested with further powers of refusing to put, or of summarily putting, the question of the ordinary adjournment of the House, Committee, or Debate, if he considered it to be an abuse of the rules of the House; while he could call upon members to rise in their places, if he thought that a division on any question was being frivolously or vexatiously claimed.

(5.) The closure rules were greatly strengthened. Any member was empowered, at any time, to move "that the question be now put;" and unless it appear to the Chair that such a motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question is to be put forthwith, and decided without amendment or debate.<sup>3</sup>

(6.) Further powers of silencing members for irrelevance or tedious repetition, and of suspension for disorderly conduct, were given to the Chair.

(7.) The system of Grand Committees was revived.

(8.) The order of private members' Bills was so altered, that after Whitsuntide priority was given to the Bills then most advanced.

It is possible, especially in the interests of private sitting beginning at 9, may last until 1 o'clock; altered in 1891 to 12 o'clock. The 12 o'clock Rule may be suspended by notice given on behalf of the Government at the beginning of the sitting.

\* In the session of 1887 the closure was moved on 37 occasions, on 32 of which a member of the Government was responsible. The assent of the Speaker or the Chairman was withheld on 5 occasions. In the session of 1888 the figures were respectively 63, 18, and 25; in 1890, 39, 11, and 23; in 1891, 49, 29, and 17.

members' Bills, and in order to facilitate Government Bills in Committee and "Supply," that these rules may from time to time have to be modified; but, as they stand, they have struck at the root of obstruction, and, by limiting the hours of sitting, have put an end to the system under which it was physically impossible for members satisfactorily to carry on the business of the nation. Moreover, the ice has been so effectually broken, that no objection could now be urged, on principle, to any further extension of the rules. Hence it seems unnecessary to repeat the arguments for and against the "Reform of the Procedure of the House of Commons," which have appeared in some of the former editions of this book.

#### PAYMENT OF MEMBERS.

It is proposed that all members of Parliament should be paid a State salary for their Parliamentary services.\*

This proposal is advocated on the grounds:—

1.—That, in a democratic country, no obstacle ought to stand in the way both of a man voting, and also of being voted for, so that he may serve his country in Parliament.

2.—That, so long as constituencies are in any degree

\* The salary usually proposed is £365 a year. There are 670 members, but of these about 30 already receive salaries, leaving 640 to be paid. At £365, an annual outlay of £230,000 a year would be entailed; at £500, the cost would be £320,000. It is universally admitted now, that the salaries should be a charge on the Consolidated Fund (*i.e.* the taxes), and not on the rates. It is somewhat curious to note, however, that, in 1885, Mr. Chamberlain favoured the latter principle. "Mr. Chamberlain proposes to do nothing of the sort (*i.e.* charge the amount on the Consolidated Fund). Whatever sum may be paid to the representatives of the people, it would be a charge, not as the *Quarterly* reviewer finds it convenient to assume, upon the Imperial Exchequer, but upon the constituencies." (*The Radical Programme*, p. 27.)

restricted in the choice of candidates, our representative system lacks completeness.

3.—That the greater the choice of candidates, the better will the electors be represented; and the greater will be the confidence felt in the Legislature.

4.—(a) That, where the choice is limited, sections of the electors are perforce often dissatisfied with the candidate, and discontented with their representative.

(b) That the choice of candidates is so greatly limited, that it is often not worth the while of electors to go to the poll.

(c) That to give free choice is safe; to decline to do so is dangerous.

5.—That the limitation of choice especially affects the working classes.

6.—(a) That, at present, the choice of candidates is almost exclusively restricted to one class, the well-to-do and leisured; who represent but limited interests.\*

(b) That, except as representatives paid by their fellows, poor men and working-men are almost entirely excluded from the House.

(c) That the sacrifices entailed on the Labour candidates and on those who send them, are out of all proportion to the sacrifices entailed on other members of Parliament and their constituents.

(d) That the working-men delegates are an honourable addition to the House; and it would be very advantageous, for the sake of all classes, that their numbers should be increased.

7.—(a) That the men excluded from the House by lack of means, would be as capable of serving the State as those who, under existing circumstances, are able to stand.

\* The present House of Commons (June, 1892) consists roughly of 209 members representing the landed interest, 128 representing the services, 24 the liquor interest, business men 33, trading and manufacturing interest 183, railway interest 62, official interest 91, lawyers 135, literary and professional 27, labour 8.

(b) That it is a misfortune to the State to be deprived for any reason of the services of any able citizens ; that in this case, the disqualification—poverty—can be easily removed.

8.—(a) That it is not only the election expenses that prevent men from standing ; but still more the cost of maintaining themselves afterwards as members of Parliament.

(b) That practically, therefore, the non-payment of a salary constitutes a “property qualification” for members of Parliament.

9.—That sitting and voting are not a privilege enjoyed by the individual, but a duty performed towards the community—and, as such, should be paid for.

10.—That the demands on the time of members have so much increased, as to make it ever more difficult for a man to do his duty as a member of Parliament, and, at the same time, to earn his own living.

11.—(a) That, now-a-days, we do not want members of Parliament to play at politics, but to work at politics ; we want, not dilettante politicians, but practical hard-working men.

(b) That, if the members were paid, they would feel a higher responsibility towards those who employed them, and the work of the nation would be less neglected. Parliamentary work would be better and more rapidly done ; economy and efficiency would prevail, and the cost to the State would be saved many times over.

12.—(a) That, apart from the “labour” question, payment of members would greatly and favourably enlarge the choice of candidates. Local men especially, of the best stamp ; young men of energy and with fresh ideas, young men from the Universities, and others, who cannot now afford to be in the House, would be encouraged to stand.

(b) That the opportunities for the “carpet-baggers” and the briefless lawyer, too often now the only candidates available, would be diminished not increased.

13.—(a) That the salary would not be of a sufficient amount to be an object of desire to the political adventurer; while it would be enough to enable earnest and able men to serve their country without starving their families.

(b) That the prophecies made at every stage of electoral reform, that the spouter and the demagogue would become omnipotent, have always been falsified by the instinctive common-sense of English constituencies.

(c) That after all, it is the constituency that returns the member; and they can be trusted, and should be trusted, to distinguish between the political adventurer and the honest politician.

14.—(a) That the position of the member would be enhanced, inasmuch as his election would be due to a process of selection from the many, not exclusion of all but a few.

(b) That payment would lead to greater political purity; a needy member would not have the same temptation to become a "guinea pig," etc.

15.—(a) That ministers are already paid, and well paid, for devoting themselves to the public service. Doubtless it would be easy to obtain the gratuitous services of good men for these duties, but the nation prefers to pay them, in order to secure a wider range of selection, and to ensure that no man shall be pecuniarily a loser by devoting himself to the public service. Similarly, the private member, who also has to sacrifice a very large amount of time, should receive some proportionate remuneration. The difference between the minister and the member is one of degree, not of principle.

(b) That the salaries paid to ministers in no way sap their independence or integrity.

16.—(a) That the principle of payment for political services is already practically admitted. On personal application, and on proof that the pension is necessary to enable the recipient befittingly to maintain his position,

a certain number of political pensions are granted to ex-cabinet ministers.

(b) That these pensions are given to men who have already, as ministers, received considerable payment from the nation ; and who, when not in office, are charged with duties practically no heavier than those which fall to the lot of private members.

17.—(a) That, as no stigma attaches to the possession of these pensions, so no stigma would attach to the possession of a salary, granted in order to enable the holder properly to maintain his position as a member of Parliament.

(b) That a State salary, if paid to all members, would in no way interfere with the independence of the individual. At present, the poorer member is obliged directly to depend on his friends or his constituents.

(c) That receipt of a national salary would in no way tend to make members more of delegates, or more dependent on their constituencies, than they are at present.

(d) That, at present, the labour members, owing their seats and their salaries to their fellow-workmen, are likely to be mere delegates.

18.—That the superior character of the British House of Commons over similar institutions abroad, arises from constitutional and national causes, not from the mere fact of the non-payment of members.

19.—That the system of gratuitous public service elsewhere would not be adversely affected by the payment to members of a small salary.

20.—That the total cost would not exceed some £200,000 to £300,000 a year\*—a very small sum in comparison with the many advantages that would accrue.

21.—(By some.) That payment of members would

\* See note, p. 149.

ultimately lead to a reduction in the number of members of the House ; which in many ways would be advantageous.\*

22.—That it was the ancient practice in England to pay members of Parliament. The unpopularity of that system arose from the fact that it was founded on a wrong principle,—payment by the constituency instead of by the State.

23.—(a) That in England, almost alone among States possessing a representative system of government, members are not paid.†

(b) That in nearly all the self-governing Colonies the representatives are paid.

24.—(By some.) That payment of members is essential to the future existence of the Liberal Party ; it lacks money and it lacks wealthy candidates.

On the other hand, it is contended :—

1.—That one source of England's greatness, and of her international position, is that her citizens generally have always been ready to devote themselves gratuitously to the public service.

2.—That one chief reason why the people have so much confidence in the House of Commons is, that, with scarcely an exception, men do not enter the House for the sake of gain or reward ; but, on the contrary, make some personal sacrifice in order to serve their country.

3.—(a) That there are an increasing number of men of

\* See note, p. 157.

† Each American Senator and Representative receives \$5,000 (1,000*l.*) a year, plus 10*l.* per mile for travelling expenses to and from Washington, and £25 a year for stationery. The cost to the Republic amounts to some £100,000 a year. The payment in the Australian Colonies is at the rate of between £200 and £300 a year. In France the Deputies receive £360 ; in Russia, £1 a day ; in Austria £1 a day, and in Switzerland £3 a day, during the Session. In most of these cases there are, moreover, travelling or other allowances. Neither the members of the Italian Chamber, nor of the German Imperial Parliament are paid. (See Dickinson's *Procedure of Foreign Parliaments*, and P.P. 2753 [1881].)

leisure and ability ready to serve their country gratuitously and efficiently ; and it would, under those circumstances, be foolish and wasteful to supersede them by salaried others, probably less worthy.

(b) That it would be absurd, in order that a few deserving representatives should be paid, to compel the bulk of the constituencies against their will to pay, and the bulk of the members against their will to receive, salaries.

4.—(a) That, while it is an excellent thing that an association desiring to be represented in Parliament should pecuniarily support its representative, there is no reason why the whole nation should be taxed in order to give to a few trades or classes special representation.

(b) That it is not advantageous that the representation of a special class of persons—whether “labour” or otherwise—should be encouraged.

(c) That the working classes hold the voting power, and can insist on the proper representation of their views.

5.—That payment of members elsewhere has not resulted in the return of “labour” members ; or, where it has, the result has not been satisfactory.

6.—That the system of payment of members abroad has produced evil results ; in no country are politics on so high a level, are politicians so honest, independent, and patriotic as in England.

7.—(a) That payment of members would strike a fatal blow at the system of gratuitous public service prevailing in England, under which men are ready to make private sacrifices for public duty.

(b) That if members were paid, gradually it would become necessary to pay county and town councillors, and other local Bodies ; at great cost and great loss of public service.

8.—That to pay them a salary as such, would degrade the office and position of members of Parliament.

9.—That the whole relation between a member and his constituents would be vitally altered. At present the constituencies can confer honour and position, but not money. With payment of members, the constituency would become the patron and the member the paid servant.

10.—(a) That the independence of the member would be seriously endangered if he were State-paid.

(b) That a paid member would be considered, not as a representative, but as a delegate; and his freedom of action, and power for good would be greatly curtailed.

11.—That an undesirable class of candidates—needy adventurers, and professional politicians—would be multiplied; men who would look to membership as a means of livelihood. Thus the whole tone of the House would be fatally lowered; and it can ill afford to suffer further deterioration.

12.—(a) That the payment of a salary would tend still farther to attract lawyers; the salary would be sufficient to maintain them while they were trying to pick up a livelihood at the bar—and there are already too many lawyers in the House of Commons.

(b) That it would tend to the return of a larger number of local representatives; men with narrow views and limited aims.

(c) That it would tend to increase the number of “carpet buggers” in the House; men who have no interest in the locality they represent.

13.—That, as in the case of the members of the House of Representatives in the United States, payment of members would lead to more constant changes in the *personnel* of the House—the electors would be inclined to give each candidate a turn at the loaves and fishes.

14.—That the individual salary would of necessity be so small, and not as a rule sufficient decently to keep the

needy member; he would be more than ever obliged to make something out of his "M.P.'s-ship."

15.—That the attraction of the salary would lead to such a multiplication of candidates, as to necessitate the introduction of the pernicious system of Second Ballots.\*

16.—(a) That, even under present circumstances, the anxiety of members to keep themselves *en évidence* tends to delay in the transaction of Parliamentary business, and this evil would be enormously accentuated were members paid.

(b) That the only way of diminishing this evil would be by a great reduction in the number of members; in itself a disadvantage.†

(c) That any reduction of members would entail a fresh redistribution of seats throughout the Kingdom; and involve the difficult question of the proportionate representation of the three Kingdoms.

17.—That, so long as there remain any pecuniary obstacles to their entrance into Parliament,‡ the payment of a salary to members would be an anomaly.

18.—That the cost to the country would be very great; while the payment of members of Parliament would certainly be followed by that of members of County Councils, Town Councils, Town Boards, &c.

19.—That the ancient system of payment of members forms no precedent. It was carried on under totally different conditions; and, moreover, it worked so badly that it gradually fell into disuse.

\* See section on *Second Ballots*.

† There are 670 members of the House of Commons. The Chamber of Deputies in France consists of 576 members, in Italy of 508, the Imperial Reichstag in Germany of 397, in Austria of 353 members. The House of Representatives in the States numbers 330 members. (See Dickinson.)

‡ See section on the *Official Expenses of Elections*.

## THE “ENDING OR MENDING” OF THE HOUSE OF LORDS.

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It is urged that the House of Lords, on its present basis, has become a constitutional anomaly, and that it must either be swept away altogether, leaving the House of Commons to stand alone; or that its constitution must be so radically altered, that it shall become a more popular and representative body—somewhat on the lines of most “Second Chambers” abroad.

The Peers of the United Kingdom (exclusive of 15 minors) number 499; \* the elected Scotch Peers number 16, and the elected Irish Peers 28, but of these representative Peers three are Peers of the United Kingdom. The total voting strength of the House of Lords is thus 540.

The reform or abolition of the House of Lords is supported on the grounds:—

1.—That an institution, to be allowed to exist, must satisfy the requirements of general utility—and this condition the House of Lords does not fulfil.

2.—That the existence, as one of the estates of the realm,

\* Composed as follows:—4 Princes of the Blood, 2 Archbishops, 22 Dukes, 19 Marquises, 114 Earls, 28 Viscounts, 24 Bishops, 286 Barons. About 300 of the existing peerages have been created since 1830.

of an oligarchical, irresponsible, and unrepresentative body of hereditary legislators, is out of harmony with the spirit of the age. England alone among nations possesses such a legislative body.

3.—That the existence of the House of Lords, on its present basis, is contrary to the true principle of representative government. The nation has neither voice in the selection, nor control over the proceedings of the Upper House.

1.—(a) That, alone among the institutions of the country, the House of Lords has undergone neither renewal nor reform.

(b) That while the Lower House has been gradually placed on an increasingly democratic basis, and now rests on the votes of six million electors, the Upper House has become in no way more representative.

5.—(a) That it is a constitutional absurdity that a number of irresponsible individuals should have the power of over-riding, or thwarting, the popular will, as expressed by the House of Commons.

(b) That more especially is this the case, when the vast majority of these persons are legislators not on account of their own merits, but merely through an accident of birth.

(c) That their ancestors were not necessarily nor usually ennobled because of any special fitness for legislative work; while, even where such fitness existed, it is not necessarily nor usually hereditary.

6.—That, under the present system, a Peer, however unfit or unwilling to serve, cannot be relieved of his legislative functions.

7.—(a) That the ordinary attendance of the Peers in the House of Lords is small and perfunctory. Three constitutes a quorum.

(b) That the Parliamentary work of the Upper House is done in a most perfunctory manner.\*

8.—(a) That the attendance of Peers is only decently good where some important Liberal measure has to be mutilated or rejected.

(b) That the important votes of the House of Lords are not decided by the professed politicians, but by the whipping up, as occasion requires, of Peers who take no part in, care nothing, and know less about politics.

9.—(a) That the Lords are representative of but one class, the landlords, and one interest, the land ; which thus obtains an undue influence in legislation.

(b) That the legislation which the Lords chiefly obstruct, is that which they imagine affects themselves, more especially as regards land ; their own personal or class interests are allowed to stand in the way of national progress.

10.—(a) That decade by decade the House of Lords has in every way become less and less representative.

(b) That in former days, the House of Lords was not a party assembly. It has gradually, during the last half century, and more especially of late years, been converted into a wholly Conservative party instrument.

(c) That in consequence of the mode of election (election by simple majority), the forty-four co-optatively elected Irish and Scotch Peers are invariably Conservatives, though a singularly small proportion of the parliamentary electors in those countries are Conservative.

11.—That while the country has become increasingly Liberal, the House of Lords has become increasingly Conservative.

\* In 1890 the House of Lords sat 91 times during the Session, covering a period of 129 hours. The longest sitting was 8 hours, the shortest 5 minutes. Only 7 of the sittings exceeded two hours.

12.—(a) That the relative positions of the majority and minority do not change with those of the Lower House ; an anomaly which makes itself increasingly felt as successive Liberal Governments come into office.

(b) That when a Conservative Government is in office, the Upper House is useless, for it always concurs in that which is done ; when a Liberal Government is in office, it is mischievous, for it always opposes everything they do.

13.—(a) That with a Liberal Ministry in office, the relative and natural positions of the Government and the Opposition are reversed in the Lords. The Leader of the Opposition is practically the Leader of the House, and the Government are always in a minority.

(b) That all Liberal legislation suffers in thoroughness from the existence of an irresponsible Upper House. Every Government measure proposed has to be drawn with a view of passing that House, amendments are introduced in the Commons with the same object, and the Bill is still further amended and emasculated in the Lords.

14.—That the natural conservatism of the country obtains its proper share of power and representation at the polls ; or should not be supplemented by the artificial (though very real) conservatism of the House of Lords.

15.—(a) That the Lords can, and often do, override the judgment of the Government, the decision of the House of Commons, and the will of the country which sustains both.

(b) That often when the Commons, after anxious thought and laborious care, have passed an important measure, the Lords—often with only the semblance of debate—throw out or mutilate the Bill, and thus render barren the Session.

(c) That powerful Governments, with the nation at their back, have to appeal to the Lords as suppliants—an undignified position, and one in which no Government should be placed.

16.—(a) That the only limit which exists to the destructive and damaging power of the Lords, is the expediency of using it—their authority is tempered by necessity alone. Within the limits of supposed danger to themselves they act as they will.

(b) That, more than once, when the Lords have overstepped this limit, it has become necessary for the Ministry of the day to create, or threaten to create, a sufficient number of Peers to constitute a Government majority; thereby reducing the constitutional action of the Lords to an absurdity.

(c) But that, now-a-days, in consequence of the greatly increased numbers of the Peerage, and the increasing disproportion between Liberal and Conservative Peers, it would be impossible to force through a Liberal measure by means of a creation of Peers.\*

17.—That an unrepresentative, irresponsible, and avowedly Conservative body, is thus almost omnipotent; it thus continually comes into conflict with the national will; questions which the country is bent on closing are kept open, and discord and irritation are created and continued; while, when submission is at last made to public pressure, all the grace of concession has evaporated.

18.—(a) That this body has systematically and obstinately opposed every great reform of the present century, especially in the matter of civil and religious liberty and electoral reform.

(b) That as the House of Lords is out of harmony with the progressive spirit of the age, even when it accepts a reform, it mars and mutilates it, and prevents it from being thorough and lasting.

(c) That more especially has this been the case with Irish legislation; much of the disquiet state of Ireland is due to the irritation caused by the persistent refusal of the Lords

\* It is estimated that out of the 500 odd Peers, only some 30 are Home Rulers.

to pass measures of justice, and to the mutilated form in which Irish Bills are unwillingly allowed to pass.

(d) That not only do measures of importance suffer at its hands, but very many small and necessary measures are delayed, emasculated, or rejected.

(e) That thus, while its existence is defended on the ground that it educates public opinion, prevents precipitancy, modifies extremes, and perfects legislation, it really obstructs, mars, and irritates.

(f) Instead, therefore, of the House of Lords being an element of stability and permanence, it is a source of obstruction, disturbance, and irritation. It is powerful for evil, and useless for good.

19.—(a) That it is no real check on the House of Commons, nor useful in revising hurried or imperfect legislation.

(b) That the Opposition in the Lower House are always able to prevent any undue haste in accepting or passing measures. The nation is far from requiring an extraneous check on the precipitancy of the Lower House: the difficulty now-a-days is to legislate at all.

(c) That the "revision" of the Upper House is mutilation: its "improvements" are usually fatal to effectiveness.

20.—That the House of Lords has, of necessity, less and less work given it to do, and is becoming, therefore, of diminished practical value as a legislative body. A Liberal Government cannot, with any prospect of success, introduce its Bills into the Lords; while, by the time the great measures of the Commons are sent to the Upper House, public interest in them is more or less exhausted, and there is little scope left for originality.

21.—(a) That the existence of the Upper House is becoming more and more of a paradox. It has no control over the government of the day; if it adopts a motion of non-confidence in a Liberal Government the vote is treated with

silent contempt. It is obliged to accept measures of which it disapproves; while its amendments are often summarily rejected and reversed by the Commons—and each time it is thus forced to give way its influence is diminished.

(*b*) That every time it strongly resists a Liberal Government it loses somewhat of its power, by raising up a feeling adverse to its action and existence.

(*c*) That, thus, at one period it is treated with contempt, and at another it is assailed with menace and reproach. In either case its prestige and power suffer.

22.—That the anomalous position in which the Lords are placed is their misfortune, and not their fault; they can hardly be blamed if they act on the authority committed to them, and prefer to lose their existence as a corporate body, —and be allowed to take their part in politics in other ways—rather than consent to submit to a gradual diminution of their influence and power.

23.—(*a*) That the existence of the House of Lords deprives the country of the best services of many able and useful politicians, inasmuch as their powers, energy, and ability are hampered and emasculated by being confined to the Upper House; reform or abolition would enable such men to take a more effective part in politics.

(*b*) That those members of the House of Commons who are heirs to peerages may, at any moment, find themselves deprived of the right of sitting in the Commons.

(*c*) That, on many occasions, the accession to a peerage of a leading member of the House of Commons, has retired a prominent politician into virtual political obscurity, and occasionally has seriously affected current politics.\*

24.—(*a*) That the fact that a certain number of offices in the Government have to be allotted to Peers, occasionally

\* For instance, Lord Althorp, Lord Hartington, and many less prominent politicians. Both Fox and Pitt, curiously enough, very nearly also

necessitates an inferior man being preferred, because he is a Peer, to some Commoner of greater ability.

(b) That the Ministers in the Upper House are not as accessible to public interrogation, nor so amenable to public opinion, as they would be if they were in the Commons.

25.—That the pressure on the Prime Minister to create Peers, and the number of admissions to the Peerage, is ever increasing, and is gradually swelling the House of Lords to unmanageable proportions.

26.—That the hereditary principle, as applied in the case of the Crown, is totally different from that applied in the case of the House of Lords. The Crown has no legislative or executive responsibility, and has not, for a hundred and eighty years, exercised its power of veto.

27.—(a) (By some.) That by limiting the number of legislative Peers, by selection and election from amongst their body, and by the creation of Life Peers, much might be done to render the Upper House more representative, and an efficient and necessary estate of the Realm.

(b) (By others.) That a limitation might be placed on the right of veto.<sup>†</sup>

(c) That some system of "referendum"—to be applied when the two Houses were at a deadlock—should be introduced.<sup>‡</sup>

"went up"; Lord Chatham and Lord Holland both being at one time at death's door, and without issue. "Lord Chatham's death," says Lord Rosebery, "by the grim humour of our Constitution, would have removed Pitt from the Commons to the Peers. In the prime of life and intellect, he would have been plucked from the governing body of the country, in which he was incomparably the most important personage, and set down as a pauper peer in the House of Lords."—*Pitt*, p. 93.

<sup>a</sup> That is to say, that the House of Lords should have power, if it chose, to throw out, twice or three times in succession, a Bill sent up from the Commons; but that, if after that, the Commons again sent up the Bill, the Lords should be obliged to pass it.

<sup>†</sup> That is to say, that the particular question at issue should be submitted to the electorate, and that their decision should be final.

28.—That the House of Lords, if reformed, would contain admirable materials for a Second Chamber, and might easily be made a powerful and popular authority.

29.—That the increased respect and efficiency that would accrue to the Upper House from its re-formation on some representative system, would not detract from the power of the House of Commons.

30.—That if the position of the House of Lords is so anomalous that it will not stand remodelling, the sooner it is altogether swept away the better.

31.—That the position of the Scotch Peers at least requires alteration. A certain number of them are elected by the whole body of Scotch Peers, from amongst themselves, to sit in the House of Lords; but, as there is a Conservative majority, none except Conservatives are ever chosen. A Scotch Liberal Lord has therefore no prospect of being elected a representative Peer, and as he is ineligible for the House of Commons, he is practically ostracised from politics.\*

On the other hand, any radical alteration in the existing constitution of the House of Lords is opposed, on the grounds:—

1.—That a constitutional institution which has grown up with the nation's growth, and which is founded on tradition and descent, should not be pulled down unless it can be shown that great advantage would follow its destruction.

2.—(a) That though the existence and constitution of the House of Lords cannot be defended on theoretical and logical grounds, it has held its ground for centuries, and

\* An Irish Peer, if not elected as a representative Peer, is eligible for the House of Commons.

played a great part in history, while its continued existence is of great practical advantage to the State. The Constitution works very well as it stands.

(b) That the Constitution of the House of Lords is not by any means perfect or ideal, but the country desires a Second Chamber, and the existing Chamber is better than would be one artificially constructed.

3.—(a) That it is a great advantage to the country that the aristocracy should be drawn into taking an active part in politics.

(b) That the English nobility have hitherto deserved and retained their hold over the respect, confidence, and affection of the people; and—to the advantage of equality—are a less distinct class than the aristocracy of any other nation.

4.—(a) That, in consequence of its ranks being continually recruited from the People, the Upper House becomes ever more and more truly representative. It represents education, intelligence, leisure, wealth, and influence.

(b) That a very considerable number of the Peers have had a legislative training as members of the Lower House.\*

(c) That, moreover, a considerable number in addition have held administrative, judicial, or other high offices, and bring to the House the experience they have thus acquired.

5.—That the argument urged for reforming the House of Lords,—that it has not always gone so far or so quickly as the Commons,—is reason rather for desiring to leave it alone.

6.—(a) That by preventing, modifying or delaying the hasty, impulsive, ill-digested, or unjust measures adopted by the Commons, or in case of real need forcing a dissolution, it puts a proper and constitutional check on pre-

\* In 1886 (after the General Election of the year), no less than 182 of the sitting Peers had, at some time or other, sat in the House of Commons

precipitancy and Radicalism; allows time for popular opinion to mature itself; and thus prevents the Government from acting on first impulses, or under the influence of sudden popular passion or excitement, or in obedience to a chance majority.

(b) That this legislative precipitancy will tend to occur more often under the new Democracy; while the last check on hasty legislation has disappeared with the reform of the procedure of the Lower House.

7.—That there is no force in the objection that the House of Lords accepts Conservative and delays Liberal legislation. The former is not radical and drastic, the latter does not really suffer for delay and reconsideration; while the step once taken cannot be retraced.

8.—That more especially is the House of Lords an effectual barrier against demagogic rule, or the "one man power."

9.—That when it has delayed legislation, it has always had the sympathy of a large proportion of the House of Commons, and of the country.

10.—(a) That though perhaps the House of Commons may not very often be over hasty or rash in legislation, its moderation is greatly due to the latent knowledge that the House of Lords will have a voice in the matter, and that its opinions must be consulted. Remove this check, and legislation would immediately become more impulsive and precipitate.

(b) That the result of this influence has been, that while in certain cases legislation may have been somewhat delayed, when an important Bill is ultimately passed, it represents the deliberate and final will of the People; and is of such a satisfactory nature, that reactionary legislation is never necessary—and thus progress, though slow, is sure.

(c) That in ordinary legislation the Upper House smoothes down the rough legislative excrescences of the Lower.

11.—(a) That having no fear of constituencies before their minds, the Peers are independent, and speak boldly their own minds.

(b) That their debates on great occasions surpass in interest and intellect those of the House of Commons.

12.—That if the House of Lords were destroyed, the "machinery of the 'caucus' would be used to endeavour to prevent the House of Commons from exercising its functions with discrimination and freedom."

13.—That even if it were true, that the legislation which the Lords chiefly prevent or amend is that which mostly affects themselves, they must be acknowledged to be intimate with the subject; while those who press forward such legislation have, as a rule, "sinister interests" of their own.

14.—(a) That when popular feeling has been definitely expressed, the House of Lords, if at variance with the national will, gracefully subordinates its own opinions, and gives way.

(b) That within the last fifty years especially, the Lords have assented to a vast number of most useful reforms.

15.—(a) That though, theoretically, the power of the Lords is unlimited, practically it is kept within very reasonable and moderate bounds.

(b) That, if necessary, the Government can override the majority of the Lords by the creation of fresh Peers, by Royal Warrant, or by tacking a clause on to the "Appropriation Bill," which the Lords must pass, or reject, in its entirety.

16.—(a) That it is easy to talk loosely of the Reform of the House of Lords, but practically, unless the Upper House will reform itself, this cannot be accomplished without a dangerous revolution.

(b) That the ultimate extinction of the House of Lords is certain. It is better, therefore, to leave it gradually to

die a natural death, than to hasten its end at the risk of conflict and agitation.

(c) That year by year it is becoming weaker, and more impotent to do harm ; while an unsuccessful crusade against it might revive and invigorate its vitality.

17.—(a) That if the constitution of the House of Lords were once touched, its end would soon follow. It survives chiefly through the existence of a feeling of veneration and sentiment ; this feeling once disturbed, the anomalies of its existence would become apparent, and it would be doomed.

(b) That no mere creation of Life Peers, or a simple change in the hereditary system, would be effective in strengthening the Upper House.

18.—(a) That some Second Chamber is essential to the Progress, Prosperity, and Peace of the nation. Without it, every check and every safeguard of the Constitution would be swept away ; and the majority in the single Chamber would be absolutely omnipotent.

(b) That no brand-new Second Chamber could ever take the place now occupied by the House of Lords. It would not command the respect of the country or of the House of Commons.

(c) That it would either be powerless, and therefore useless, or powerful, and therefore mischievous.

(d) That the House of Lords once pulled down, could never be replaced in any permanent, useful, or satisfactory form.

19.—(a) That if the House of Lords were abolished, the House of Commons would be swamped with Peers—the fact of a man being a Peer having great influence in many constituencies—and would become more aristocratic and conservative, to the hindrance of progress and reform.

(b) That consequently an agitation would spring up for

the creation of a Second Chamber, in order to rid the House of Commons of its Peers.

20.—(By some.) That having obtained one Chamber absolutely representative of the People at large, it would be illogical to endeavour to set up another which cannot be equally representative.

21.—That if the hereditary principle were abolished in the case of the House of Lords, that principle would be in jeopardy as applied in the case of the Crown.

22.—(a) (By some.) That to "mend" and not to "end" the House of Lords would be a fatal mistake. To reform would be to strengthen. The present House of Lords is powerful for evil; a reformed Upper House would be far more powerful, and just as Conservative.

(b) That a reformed, non-hereditary, and representative Upper House would be entitled to and would freely exercise its power; and would constitute a formidable rival to the Lower House.

(c) That an Upper House, however constituted, would always mainly consist of Conservatives, wealthy men, land-owners, and Churchmen.

(d) That a Second Chamber, however constituted, is always reactionary.

23.—(By some.) That a mere limitation on the power of veto\* would do more harm than good; not only would the technical difficulty of applying it be great, but it would be a distinct encouragement to the Upper House to throw out Liberal Bills on every occasion until their right of veto was exhausted.

24.—(By some.) That if it be necessary to introduce the check over a Single Chamber—the House of Lords being abolished—the best and most popular safeguard would be the introduction of the "Referendum."

\* See 27 (b), p. 165.

### THE EXCLUSION OF BISHOPS FROM THE HOUSE OF LORDS.

At present 26 out of the 33 Bishops sit and vote in the House of Lords as Life Peers in virtue of their office. It is proposed to deprive them of their legislative powers and of their seats in the House.

This proposal is supported on the most diverse, and sometimes diametrically opposite grounds, namely:—

1.—(a) That it is neither right nor just that one section of religious belief—a minority, or at most a bare majority—should alone be *ex officio* represented in Parliament.

(b) That the exclusion of the bishops from the House of Lords would remove a great cause of sectarian irritation.

(c) That thus one strong argument for Disestablishment would disappear.

2.—That to remove the bishops from the Upper House, would be further to sever the connection between Church and State, and be a great step towards Disestablishment.

3.—That the Church would still be amply represented in Parliament by laymen of the Church of England.

4.—(a) That the bishops lose in popular sympathy, from the possession by them of exceptional and anomalous political privileges, especially as these are tinged with political partisanship.

(b) That this is more especially the case, inasmuch as the bishops have mostly shown themselves by their votes and speeches to be opposed to progress; and have never used their political power to the real advantage of the Church or of the community at large.

(c) That thus the Church, and the Christian religion, suffer in the general estimation.

(d) That the withdrawal of these exceptional privileges would strengthen and not impair the influence and position of the bishops; and the Church itself would thus gain from their exclusion from the House of Lords.

5.—(a) That the legislative functions of a bishop interfere greatly with his diocesan work and episcopal functions—already so manifold as to be nearly overwhelming.

(b) That either he must neglect his legislative work, or he must partially withdraw his presence and influence from his diocese; in trying to perform both functions, he probably does neither well.

(c) That more especially the presence in London of the youngest bishop—as *ex officio* chaplain to the House of Lords—is undesirable: he is called away from his diocese just at the time when it is most necessary that he should devote his undivided attention to his episcopal functions.

6.—(a) (By some.) That the inclusion of the bishops amongst the peers weakens rather than strengthens the House of Lords. The bishops have not the freedom of action of life-peers, for they speak as delegates, while they are not really representative, are responsible to no one, and owe their nomination to the Prime Minister.

(b) (By others.) That to exclude the bishops from the House of Lords would be a democratic step, tending to weaken the Upper House, by depriving it of men of acknowledged ability, life-peers, and men more or less representative.

7.—That if it be inexpedient to prohibit the clergy of the Church of England from being elected to the Lower House, it is inexpedient to allow the bishops to sit in the Upper House.

8.—That the possession of legislative functions by some bishops, and not by all, is an anomaly.

On the other hand it is urged :—

1.—(a) That so long as the Church is joined with the State she ought to have, and is entitled to have, a representative voice in framing laws which she will have to obey, and in deciding on matters affecting the people.

(b) That more especially as “Turks, Jews, Infidels, and Heretics” have full liberty to speak and vote in Parliament on matters affecting the Church, she should not be left entirely at their mercy, and alone be deprived of a voice in the councils of the realm.

(c) That while it is inexpedient, and out of harmony with their spiritual functions, to allow the clergy personally to involve themselves in party contests, there is nothing undignified or prejudicial in allowing bishops to sit in the House of Lords.

(d) That to exclude bishops from the House of Lords, would be to strengthen the feeling that politics are merely a party game.

(e) That as ministers of other denominations can, and sometimes do, sit in the House of Commons, these sects obtain as full a representation in Parliament as the Church of England does through her bishops in the Peers.

2.—That the position of the Church would be lowered in the eyes of the people and much harm be done to religion, if her bishops were publicly degraded by being excluded from the Upper House.

3.—(a) That it is a principle, not only of the Protestant religion, but of the British nation, that the clergy should in no way be a “caste” by themselves, but should be ordinary members of the community.

(b) That while, as already stated, it is inexpedient to allow the clergy to be eligible for Parliament, it is greatly to the interests of the people and of the bishops themselves, that the latter should be brought into contact with the world

through their position in the constitution, and thus be enabled to carry out their work with greater knowledge and more discretion.

4.—(a) That the attendance of the bishops to their legislative work in the House of Lords need not, and does not, interfere with a due regard to their episcopal and diocesan functions.

(b) That matters affecting the Church seldom arise in the House of Lords; while the sittings of the Upper House are so infrequent, and so short, as to absorb but little time or attention.

(c) That large numbers of business men find time, without neglecting their own work, to attend the House of Commons with its more numerous sittings and longer hours.

(d) That if the Church were disestablished, the bishops, as necessarily members of the governing body of the Church, would still have to be in London for a considerable part of the year.

5.—That, as the bishops are men of ability, and bring variety and a representative element into the Upper House, to exclude them would be to lower the character and position of the House of Lords.

6.—That as the "Lords Spiritual" are a recognised part of the Constitution, to permit any tampering with their position would be to play into the hands of the democratic party; and to weaken the position of the House of Lords against attack.

7.—(a) That to permit the bishops to be excluded, would be to surrender an important outwork of the Establishment, and to render more easy the accomplishment of Disestablishment.

(b) That to allow the exclusion would be to confess that the Church of England was not truly representative of the nation.

## LONDON MUNICIPAL REFORM.

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THE Metropolis, according to the census of 1891, contained a population of 4,211,000 persons ; its gross rateable annual value amounted to £38,500,000, of which the City, with 37,700 inhabitants, contributed £3,800,000.

The authorities who in 1887, between them, controlled and governed the Metropolis, were as follows :—

(i.) The Corporation of the City of London,—consisting of 206 Common Councilmen and 26 Aldermen,—which has full municipal authority over the City, and levies therein rates and taxes.

(ii.) The Metropolitan Board of Works, constituted in 1855—43 of whose members were elected by the Vestries, and 3 by the Common Council—which throughout the extra-city metropolitan area, controlled the main drainage and sewerage, Thames embankment and floods, bridges, street improvements, buildings, naming and numbering of streets, dangerous structures, artisans' dwellings, commons, parks, and open spaces, fire brigade,\* nuisances, explosives, cattle disease, etc.

\* The state of the case as regards fires is a good instance of the confusion of authorities which exists in London. The fire brigade is under the authority of the London County Council, the police obey the Home Office, the salvage corps is under the command of the Fire Insurance offices, the turncocks are servants of the Water Companies, and the thoroughfares are the property of the Vestries.

(iii.) The twenty-five Vestries and fourteen District Boards—the members of which, (numbering over 2,500,) are (nominally) elected by the ratepayers, a third of the members retiring each year—qualification, occupier of £40 premises, or in some cases £25. These bodies control the paving, lighting,\* watering, branch drainage, cleansing, local nuisances, and sanitary matters, &c.; register lodgings; can provide public libraries, baths, washhouses, mortuaries, and open spaces, in their respective districts, and assess the houses and levy parochial rates for these purposes, for poor-law administration, as well as to meet the precepts issued by the London County Council and the School Board. The rates vary in different parishes, from as little as 3*s.* 4*d.* to as much as 7*s.* 4*d.*

(iv.) The School Board—the 52 members of which are directly and publicly elected by the ratepayers every three years—which has charge of, and control over the elementary education of London.

(v.) The thirty Boards of Guardians—elected or appointed in different ways—who have charge of the poor-law administration. There is also an Asylums Board—which consists partly of guardians, partly of nominees of the Local Government Board—to look after the sick poor.

(vi.) The Thames Conservancy Board—non-representative—which has the control of the River Thames.

(vii.) In addition, the Home Secretary has control of the Police Force outside the City, while within the City it is under the control of the Corporation.

The Home Secretary also has jurisdiction over the cabs omnibuses, and tramways.

\* The lighting, however, of some of the parks is in the hands of the Commissioners of Woods and Forests, while others are lighted by the London County Council; moreover the Board of Trade have supervision over the gas supply.

The Water, Gas, and Dock Companies are private concerns.

Previous to 1888, various unsuccessful attempts were from time to time made to confer on London the municipal privileges granted to other large towns by the Act of 1835, from which London was then specifically excluded. The most comprehensive attempt was that of 1884. By the London Government Bill of that year it was proposed to extend the Corporation of London to the whole area of the Metropolis as defined in the (amended) Act of 1855, so as to include the existing Corporation of the City, the Vestries and District Boards, and the Metropolitan Board of Works, with their rights, privileges, and powers. The Central Body, thus formed, was to consist of 240 members, to be directly elected by the ratepayers every three years. In order to preserve local interests and to obtain local knowledge and assistance, a "District Council" was to be formed for each of the thirty-nine districts of London. The functions and powers of these District Councils were to be defined by and to proceed from the Central Body, while the members were to be elected directly by the ratepayers with the members of the Corporation.

Education, Poor Law, and Police (except so far as they are already under the control of the Corporation of the City) were to be excluded from the functions of the new body; and it was to be instructed to introduce bills dealing with the questions of gas, water; and cabs.

The Local Government Act of 1888,\* provided the initial step in the reform of the Government of London. One central representative administrative body, under the name of the London County Council, was formed for the

\* See section on *Local Self-Government*.

whole of the Metropolis, outside the City. The County Councillors, directly elected by the ratepayers and Parliamentary electors, number 118, two for each Parliamentary division, except the City, which returns four;\* the Aldermen, selected by the Councillors, are not to exceed in number one-sixth of the whole number of Councillors. The Councillors hold office for three years, and all go out together; the Aldermen for six years, half going out every three years. The first Council was elected in November, 1888, but the date of the triennial election has now been altered to March.

All the powers, duties and responsibilities of the Metropolitan Board of Works were transferred to the London County Council; as well as those of Quarter Sessions, so far as elsewhere transferred under the Act to other County Councils. The administration of the Poor Law (except in so far as a greater equalisation of the Poor Rate, by means of the "Common Poor Fund," is concerned) is left intact. The School Board remains independent. The Thames Conservancy Board retains its separate existence. The City of London is a separate "County," the Corporation to all intents and purposes retaining its independent administrative position; though it will have the option of at any time merging the "City" County into the County of London.

So far the Vestries and District Boards have been left untouched, and they have even less relation than before to the Central Body; for, while they formerly selected the members of the Metropolitan Board of Works, they have no voice in the election of the new Council.

\* The City, though practically outside the authority of the London County Council, elects four members to it, but these Councillors are not entitled to vote on matters affecting expenditure for which the City is not liable to be assessed.

It is certain, however, that before long all the different branches of local and municipal life in London must be, and will be brought into relationship the one with the other.

The section on London Municipal Reform contained in former editions was devoted to the question of the creation of one Central Representative Body for the whole of London.\* Such a Body having now been brought into existence, there is no need to repeat the arguments for and against its creation.

\* The total estimated expenditure of the London County Council for the year ending March 1891 was £3,250,000 ; including contribution to police force £170,000, interest on loans £984,000, and sinking fund £457,000. The total estimated loan expenditure was £3,000,000, of which £1,170,000 consisted of advances to the Vestries, School Board, etc. The total outstanding debt was £28,800,000 (P. P. 363 of 1891).

## MUNICIPAL HOME RULE FOR LONDON.

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It is, however, proposed—the so-called “London Programme”—that the London County Council should be put in possession of full municipal powers. Should have the Police placed under its authority. Should be allowed to acquire the control of its Water and Lighting supplies; of its Markets and of its Tramways. Should be enabled to deal fully with the Housing question; and the Land question as it affects London. Should be empowered to make juster the assessment, burden, and incidence of Local Rating and Taxation.\*

These proposals are defended on the ground:—†

1.—(a) That, on true democratic principles, the Central Representative Body of the Metropolis should have the

\* There are other points in the “London Programme”—*i.e.*, the absorption of the City in the Central Body, the reform of the Vestries, and District Boards, the formation of a Poor Law Council for the Metropolis, the Municipalisation of the Docks, the acquisition of the funds of the London Livery Companies—which are not here discussed. The questions of “Registration” (p. 112), of “Leasehold Enfranchisement” (p. 242), of “Pauper Aliens” (p. 365), are separately dealt with.

† The detailed questions of the Taxation of Ground Values (p. 291), of Division of Rates between Owner and Occupier (p. 312), of a Municipal Death Duty (p. 320), of “Betterment” (p. 330), of the Taxation of Vacant Lands (p. 321), and of “Unearned Increment” (p. 291), are dealt with in another Section.

fullest possible powers of administering the affairs of London for the benefit of Londoners.

(b) That this is more especially the case, inasmuch as London is the most populous town, the greatest manufacturing city, the most important port in the world; and the centre of English commercial and social life.

2.—(a) That London is not a County but a City; the Central Representative Body should be treated, not as a County Council merely, but as a Town Council.

(b) That while, from its position and importance, the London County Council should be possessed of greater, it has really considerably less powers of managing the affairs of its citizens than other great Municipal Bodies.\*

(c) That, at present, it is hampered, fettered and chained in every way; and all sorts of great as well as petty restrictions are placed on its powers of action.

3.—(a) That, while the London County Council can, in a limited way, as the Representative of the London ratepayer, oppose local and private Bills in the House, it cannot, as such, promote a Bill even for purely local purposes.†

(b) That its loan transactions necessitate an annual money Bill which has to pass the House of Commons.

4.—(a) That the London County Council has constantly to apply to Parliament for authority to do this, that, and the other.

(b) That a majority in the House of Commons hostile to its views, may (and does) mutilate or destroy its measures.

\* There are at present 62 "County Boroughs" in England and Wales. The largest is Liverpool with some half million of inhabitants, the smallest Cambridge, with 21,000 persons.

† The London County Council Bills are introduced as private Bills by individual members of Parliament who happen also to be members of the London County Council.

5.—(a) That Parliament either declines to devote sufficient time to the due discussion of London questions; or the time of the House is wasted on what are Metropolitan and not Imperial matters.

(b) That the Government of the day being, in some matters, partly or wholly responsible for the administration of Metropolitan affairs, questions of purely local concern are elevated into Imperial questions on which the fate of a Ministry may depend.

(c) That London's parochial demands have therefore, of necessity, been turned into a political and party programme.

6.—That true decentralisation is that which relieves Parliament and the Executive of local affairs; and true centralisation that which hands them over to large Representative Bodies.

7.—That, so long as the Central Municipal Body in London was not really representative of the ratepayers, there was some excuse for limiting its powers. This cause has now disappeared; and the fact that, for fifty years, London has been deprived of those rights of self-government which have been freely granted to other large towns; make it all the more necessary that the grant now should be full and complete.

8.—That the persistent refusal of municipal privileges and powers to the Metropolis, has largely deprived Londoners of any interest in their own affairs. The habit of local co-operation for local purposes, the sense of common life and common interests, that prevails to such a large extent in other self-governed towns, has, to the great disadvantage of London life, been discouraged, instead of being developed.

9.—(a) That the best security for efficient, economical, and honest administration is vigilant public control.

(b) That the greater the powers, the duties, and the

responsibilities of the Central Body, the greater will be the desire to obtain good men to serve, and the greater the public interest that will be taken in its work.

10.—(a) That the London County Council, hampered and harassed though it has been, has done excellent work; has deserved well of the ratepayers, and has fully shown itself worthy to be trusted with extended powers.

(b) That, in other large towns, no disadvantages, but great advantages, have arisen from the grant of the fullest possible freedom of action in local affairs.

(c) That the ratepayers themselves, through the triennial election of Councillors, would always retain full and direct control over the doings of their Council.

11.—(a) That no possible national or political danger could arise from granting to the representative Body the fullest possible powers in purely local affairs.

(b) That the national danger is more likely to arise from the appalling mass of destitution and discontent existing in the Metropolis; a social evil and danger that can only be adequately dealt with by a powerful Local Body given a free hand.

Further, it is especially urged:—

12.—(a) That the London County Council should have full power to deal with the Land question as affecting towns, with the Housing question, the Trading question, and with the question of Local Taxation; in order that, by effective collective action, justice may be done, and the convenience and comfort of the community may be improved.

(b) That, at present, the individual London ratepayer is helpless in the hands of the Water Companies, the

Gas Companies, the Tramway Companies; in that of the ground landlords, of the house farmers, of the vestry jobbers; in that of the market monopolists, and of the river monopolists. No common action is possible, for the Central Body has, as yet, practically no power to deal with these questions.

13.—(a) That, at present, the few exploit the many—the community bears the burden, the individuals obtain the benefit.

(b) That, the advantages and profits that the action, the expenditure, the very existence of the Community have produced, should go to the benefit of the Community and not to that of individuals.

14.—(a) That collective municipal action, is the best hope for the future; by these means alone can be obtained for all, those social advantages and conveniences which very few are able to obtain for themselves.

(b) That, by collective municipal action mainly, can a greater diffusion of wealth, and the advantages springing from wealth, be brought about without undue pressure or injustice on any class or on any individuals.

15.—(a) That the municipal provision of water and gas would not only lead to a reduction in price, and a more universal supply of these necessities of life, but would result also in a profit on working.

(b) That the improved incidence of local rating and taxation, would render juster and lighter the burdens on the ratepayers; and, thus, the governing Body of the Metropolis would be enabled more freely to expend money for the benefit of the Community at large.

On the other hand, it is argued, that largely to

increase the powers of the London County Council would be detrimental, on the grounds :—

1.—That over-centralization is a mistake, and any tendency in that direction is to be avoided.

2.—That, already, the London County Council takes too much upon itself.

3.—(a) That the London County Council have already as much and more to do than they can properly manage.

(b) That what they do they do badly.

(c) That to thrust new and responsible duties upon such a Body would necessarily lead to grave mismanagement.

4.—That there is not the same cohesion among Londoners as among the citizens of other large towns ; hence the public check over the proceedings and actions of public Bodies in London is far less effective than elsewhere.

5.—That already, the *personnel* of the London County Council is tending rapidly to deteriorate; and this tendency would be accentuated if membership involved a still larger sacrifice of time.

6.—(By some.) That the late Metropolitan Board of Works, though representative of the ratepayers, was a corrupt and inefficient Body; and the London County Council will soon fall into the hands of a similar class of needy and incompetent administrators.

7.—(a) That the London County Council is becoming more and more of a political machine, an engine used for party purposes.

(b) That to give considerably greater powers to such a Body would be politically inexpedient, or even dangerous.

(c) That though, no doubt, London would never become like Paris, a source of danger to the rest of the country ; a powerful Central Representative Body in the Metropolis,

where the seat of government is situated, might become a most undesirable influence in times of grave crisis.

8.—That London, being the Metropolis of the country, is not, and cannot be placed, municipally, in the same position as other large towns.

9.—(a) That a powerful democratic Municipality in London would threaten the principle of the rights of property.

(b) That it would alter the incidence of local taxation in an unjust and oppressive way.

10.—(a) That (as regards the question of water, lighting, tramways, etc.), industrial concerns are far better carried on by private individuals or companies, than by public Bodies.

(b) That, as a rule, public management is neither efficient nor economical, and is, too often, corrupt.

(c) That, in the end, the consumers and the ratepayers would lose and not gain, both in pocket and in convenience.

11.—(By some, though unacknowledged.) That "the people" are not to be trusted, without check and counter-balance, with full powers of self-government.

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#### WATER.\*

Further, as regards the question of granting power to the London County Council to acquire the existing Water Com-

\* The authorities for the facts and figures contained in this section, are the various Local Government Board, London County Council, and House of Commons Reports and Returns; the Report of the Select Committee on London Water of 1880; that on "The London Water Commission Bill" 1891 (pp. 334 of 1891, well worth study), Firth's "*Reform of London Government*," Webb's "*London Programme*" (Swan Sonnenschein, 1891), and innumerable pamphlets, articles, etc.

In January, 1892, a Royal Commission was appointed to inquire "whether,

panies at a fair price, and to introduce an additional or independent supply of water, it is urged \* :—

1.—That the life and health of the community are too valuable to be entrusted to commercial companies, which look primarily to profits.

2.—(a) That the profits derived from the supply of water should go to the benefit of the Community, and not into the pockets of individuals.†

taking into consideration the growth in the population of the metropolis, and the districts within the limits of the metropolitan water companies, and also the needs of the localities not supplied by any metropolitan company, but within the watersheds of the Thames and the Lea, the present sources of supply of these companies are adequate in quantity and quality, and, if inadequate, whether such supply as may be required can be obtained within the watersheds referred to, having due regard to the claims of the districts outside the metropolis, but within these watersheds, or will have to be obtained outside the watersheds of the Thames and the Lea."

\* There are eight London Water Companies, with a capital issue of some £14,400,000. Much of the expenditure in earlier days was due to reckless competition. Some of the capital was issued at a premium, but much at par though the market price was far above par. The gross income amounts to about £1,700,000 a year, the expenditure to about £700,000 with profits about a million, or some seven per cent. on the nominal capital; the market value of which, in March 1890, was £33,500,000. Between 1871 and 1890, the capital of the companies was increased by £4,500,000, while the market value increased by £19,000,000, or about a million sterling per annum—this includes, however, the increase in value of the freehold property belonging to the New River Company (Report of Select Committee on Metropolitan Supply Bill 1891, p. 139, etc.).

The purchase sum proposed to be given in 1880 was £33,000,000; but this estimate of value was based solely on the then existing dividends, and on the probable increase in these dividends, and no account was taken of the probable capital expenditure for fresh supplies. All the companies were treated alike irrespective of their position in regard to future outlay. If the scheme had been carried through the shareholders' aggregate annuity in 1890 would have been over £200,000 in excess of the amount they actually received that year in dividends on the capital expended up to 1880.

† In the case of the Birmingham Water System, a gross profit of about £60,000 was made in 1889, of which about half was returned in reduction of charge for water, and the other half went to the relief of rates. (Appendix C. to Report of Committee of 1891.)

(b) That the natural Authority to which to entrust the question of the water supply, is the Central representative municipal Body—the London County Council.

(c) That, in many other large towns—Liverpool, Manchester, Birmingham, etc.—the water supply has been successfully municipalised.

3.—(a) That the Select Committee of 1880, reported it to be “expedient, that the supply of water to the Metropolis should be placed under the control of some Public Body, which shall represent the interests and command the confidence of the water consumers.”

(b) That the Select Committee of 1891, reported that in their opinion the London County Council should be enabled to constitute themselves the responsible Water Authority for London.\*

4.—That, at present, the London County Council have no statutory powers in regard to the water supply. Only lately have they acquired power to spend any money on enquiry; and, even now, they have no power to introduce into Parliament a Bill dealing with the question.†

5.—That, under the quinquennial valuation system, the charges of the Companies increase, not in proportion to the cost to the producer or the benefit to the consumer, but in proportion to the increased and increasing values which, under the Metropolis Valuation Act, are every five years placed on town property. That, thus, without any increased outlay to themselves or additional supply to the consumers, the London Water Companies

\* P. iii. The Committee coupled the recommendation with another, to the effect that “the London County Council, if constituted the Water Authority, should be required to purchase the undertakings of the eight Water Companies, by agreement or, failing agreement, by arbitration.” To this specific direction, of immediate and compulsory purchase, the London County Council object on the ground that “before any terms of purchase can be considered, the liabilities to capital expenditure for new or supplementary sources of supply in the immediate future should be authoritatively ascertained;” this, in their view, being the primary and most important consideration.

† In the Session of 1890 they procured power to spend £5,000 on investigating the subject of water supply; and further powers were granted them in the session of 1892.

are every five years freshly endowed with a vast sum of money representing "unearned increment."\*

6.—That the Companies do not possess any real or statutory monopoly of supply or of charges. At one time they actively competed against one another; any one is at liberty to obtain his supply from wells; their legal charges have, on more than one occasion, been directly and indirectly interfered with by Parliament.

7. (a) That no question of confiscation is involved. A fair price would be paid for the acquisition of the existing concerns.

(b) That the price to be paid, can be fairly fixed only after a careful enquiry as regards each separate Company; not only into the actual condition of the works and plant, and the efficiency of the existing supply, but also into the likelihood of future expenditure on future supplies.

(c) That the Companies must not be treated (as they were in 1880), simply as dividend paying concerns with no liabilities. They are bound by statute to provide an adequate and pure supply of water; and this liability is a most important factor in the question of price, for the Companies, while bound to increase their supply as the demand increases, must do so without increasing the charge to the individual consumer. They cannot levy an extra rate to recoup themselves for the additional expenditure.

8.—That the question of a future supplementary supply is urgent. Very many years must pass before any new supply

\* The Water Companies by statute charge their rates on the rental value of London. Every year this rental value is increased, through the addition of new buildings, or structural alterations, by about £250,000 (included in the supplementary rating lists) on which the water companies can levy rates, but in consideration of which they also supply additional water. Every five years a complete new valuation list comes into force; and the aggregate increase in rental value at this quinquennial period, now amounts to some £2,500,000. Of this, new buildings (£250,000 × 5) represents £1,250,000, £300,000 represents special properties on which no water rate is charged, leaving a total of some £950,000 of increased value on which the companies can charge rates, without being called upon to supply any more water than before. This represents an increase of some £38,000 a year to their revenues. or a capital value of about a million sterling. (Select Committee, 1891, pp. 13, 62, 63, etc.)

could be brought to London;\* and the existing areas of supply are being rapidly appropriated by other large Communities.

9.—(a) That the rapid increase of population, both in the Metropolis, and in the areas of supply, is severely taxing the existing sources of supply; the population supplied by the water companies has increased in a proportion far greater than had been anticipated.†

(b) That no considerable further quantity of water can be taken from the Thames.‡ No further supply can be taken from the Lea, and but little additional supply could be obtained from wells.

10.—(a) That the water requirements of the Metropolis will, in the future, increase in a greater proportion to population than in the past—especially if the supply be municipalised. Sanitary requirements are becoming more stringent, and necessitate a greater use of water; baths, washhouses, etc. are being multiplied; the demand for a constant instead of an intermittent supply is increasing.

(b) That the Public Authority, as Water Authority, could and should compel the owners everywhere, and especially in the case of the poorer class of dwelling houses, to have their property duly supplied with water; this cannot be done, and, not being remunerative, would not be done by Trading companies.

11.—(a) That not only is the question of quantity urgent, but so also is that of quality. In consequence of the increase of population and of drainage, in the districts from whence the water is drawn, it is becoming increasingly difficult to maintain the

\* The Manchester Thirlmere scheme has taken seven years to bring to completion.

† The Royal Commission of 1869 estimated that 4,500,000 to 5,000,000 persons would be the outside population to be supplied even at a remote period. The number already exceeds 5,500,000 and is rapidly increasing. The 770,000 houses now supplied, require a daily average of 175,000,000 gallons, against the 104,000,000 required by 480,000 houses in 1870, and the 145,000,000 gallons required by 600,000 houses in 1880.

‡ It is alleged that the great abstraction of water, by reducing the force of the flow of the Thames, has greatly weakened the power to drive the Metropolitan sewage out to sea.

purity of the supply; and each year the sources of possible pollution are increased.\*

12.—That, thus, the existing sources of supply of the first necessity of life, are already, or are rapidly becoming, deficient both in quantity and quality; and inadequate to the growing needs of the population.

13.—That a central representative body alone would be powerful enough to carry through any large scheme under which a fresh supply of water could be brought to London from a distance.

14.—That the difficulties of dealing with the outside areas, if the water supply were municipalised, would be met—as they have been successfully met elsewhere—either by severance of supply, where that could be done, by supply in bulk, or by supply in detail.

15.—That, in taking over the water companies, the London County Council would take over their powers in regard to breaking up the roadways, etc.; and no difficulty would arise on this score.

16.—That with the water supply municipalised, the charge for water would be made uniform.†

17.—(a) That, purchased at a fair price, a large margin of profit would remain to the Water Authority (*i.e.*, to the ratepayers); the requisite capital would be raised at a low rate of interest, and the existing concerns, if amalgamated, would be more economically managed than at present.‡

(b) That these Water Companies are not private concerns with partners managing them, but are public companies managed by Boards of Directors; and the business could be and would be as efficiently managed by a statutory Committee of the London County Council and the Corporation.

\* Population (1891) in the basin of the Thames and Lea above the intakes of the water companies, 1,180,000; number of cattle, horses, sheep and goats, 1,800,000. (Report, Committee 1891, p. 384).

† At present, the maximum charges vary for £30 houses from £1 4s. in the case of some companies, to £2 12s. in the case of the Lambeth Company; and proportionately in the case of houses of higher rental.

‡ The present directorate costs the companies about £26,000 a year; and there is much duplication of highly paid officials, and of costly plant, etc.

18.—That the benefit of the rating, for water purposes, of the “unearned increment,” at the quinquennial valuation, would go to the ratepayers and not to individuals.\*

19.—That the purchase would not involve any real addition to the Metropolitan debt; for the transaction would produce a profit and not involve a loss.

On the other hand, it is contended:—

1.—(a) That the Water Companies have efficiently fulfilled their contract with the public to supply them with an abundance of cheap and pure water.

(b) That the statutory obligations under which the Companies work, are amply sufficient to secure a like efficiency of supply in the future; and the Companies are themselves desirous of meeting all the present and future requirements of the Metropolis.

2.—That there has been no default, and there will be no default; there is no reason therefore why the existing Companies should be extinguished.

3.—(a) That the Companies have a legal monopoly: Parliament has sanctioned their expenditure, has fixed their charges, and has limited their maximum dividend; clearly showing that it was not intended that competition should be allowed.

(b) That the shareholders in these companies have taken all the risk, and, without liberal compensation, cannot be deprived of their now profitable property.

4.—(a) That the question of compulsory purchase must be an antecedent condition of the creation of a Water Authority.

(b) That no independent supply is really possible; to attempt to bring in a second competing supply would involve an insane and suicidal expenditure of money.

5.—(a) That the financial and administrative interests involved, are too great to confide to an overworked Body such as the London County Council.

(b) That pecuniarily and administratively it would be most inexpedient to extinguish long established and experienced Com-

\* See p. 190, note.

panics, and to place the control of the water supply in the hands of a new and inexperienced Body.

6.—That the difficulty and gravity of dealing with the water supply of London far transcend that of carrying out similar operations in other large towns.\*

7.—That the price that would have to be paid for the existing concerns—market price, together with compensation for compulsory purchase, would leave little or no margin for profit to the ratepayers.

8.—(a) That administration by a public Body is always less efficient and less economical than that of private companies conducted on business principles.

(b) (By some.) That any economy of working that might be derived from amalgamation, can be secured by providing for the amalgamation of the existing companies without municipalising them.

9.—That the purchase-money would add enormously to—indeed double—the debt of the Metropolis, already very heavy.†

10.—That, thus, instead of the ratepayers obtaining water of a fabulous quality and quantity at a fabulously low price, they would be worse supplied and pay more.

11.—That, even if it be admitted, that some public Body should be constituted as the Water Authority for the Metropolis, this should be a body representative not only of some, but of all the interests involved.

12.—(a) That insuperable difficulties would arise in regard to the position of outside areas, from whence the supply is drawn. They are, at present, largely supplied by the Water Companies; and they more and more need to retain their own water supplies.

(b) That if any public Water Authority be constituted, these outside areas are entitled to have a direct voice in the management of the water question.

13.—That, at present, the street authority in London (through where the mains pass) is practically not the London County

\* Liverpool has incurred a capital expenditure of £4,000,000 on water: Manchester, of £7,000,000 sterling. Birmingham contemplates an outlay of about £7,000,000 to bring water from Wales.

† Debt, about £29,000,000 (March, 1891).

Council but the Vestries or District Boards; and thus confusion between representative Authorities would arise.

14.—That the position and prospects of the officials and servants of the Water Companies would be greatly prejudiced by purchase.

15.—That investors have bought Water Companies' Stock in the full belief that it was practically investment in a statutory stock with a Parliamentary title.

16.—(By some.) That an operation such as this, necessarily involving the creation of a large amount of fresh Metropolitan debt, should not be undertaken until the incidence of local taxation has been placed on a juster basis, and the burden of debt thus more fairly distributed.

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"GAS."

The general arguments already used in the last section, apply wholly or in part also to the question of the acquisition of the Gas Companies of London by the London County Council.\*

\* The numerous gas companies supplying London are now amalgamated into three enormous concerns—The Gas Light and Coke Company with a capital issue of £11,360,000, the South Metropolitan Company with a capital of £2,770,000, the Commercial Gas Company with a capital of £810,000; total, £13,550,000. The gross income amounted in 1899 to about £4,770,000, the expenditure to about £3,830,000, the net profits to about £948,000. (P.P. 405 of 1891.) The nominal capital has been considerably swollen from the fact that, before 1875, the greater part of the new capital raised from time to time was issued to the shareholders at par, though worth a high premium in the market. Up to 1875, there was no "sliding scale" of charges; but, in that year, an arrangement was come to with all the Companies, under which the initial price of gas was to be 3s. 6d. per 1,000 feet, and the initial dividend the maximum (10 or 7 per cent.) already fixed by Parliament, with a provision that, if the price of gas should be diminished the rate of dividend should be increased, and that if the price were increased the dividend should be diminished at the rate of 5s. per

It is urged further:—

That to municipalise the gas supply is very much easier than to municipalise the water supply—that already a large number of Local Authorities (over 170) supply their own gas\*; and, in nearly every case, with a considerable profit and advantage to themselves and to the consumer—that gas is a real necessity of life; and a more extended and cheaper supply would tend greatly to the increased health and comfort of the community and to the diminution of crime—that the lighting of many streets and houses is now neglected, because unprofitable to the Companies—that the object of the gas supply should be, not primarily dividends and salaries, but light and heat to the community—that gas will always be extensively used for lighting purposes, while its use for heating and cooking purposes will continue to extend.

On the other hand, it is urged:—

That it would be foolish to buy up the Gas Companies now when the electric light is rapidly taking the place of gas, and their profits are on the wane—that under the sliding scale system, the consumer already gets the advantage of any increased economy in supply.

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### “TRAMWAYS.”

The existing powers of the London County Council in regard to London Tramways are doubtful and restricted. It is argued that the London County Council should

cent. of dividend for every penny in price. In future all fresh share capital issued was to be put up to public auction. (Memo., Board of Trade, July 1876.)

\* There are 594 authorised undertakings in the United Kingdom, with a capital expenditure of £61,400,000, and total net receipts of £4,150,000. Of these, 178 belong to Local Authorities, with a capital expenditure of £22,000,000, and net receipts of £1,400,000. (P.P. 405 and 406 of 1891.)

have full power to purchase, to extend, to lease, or themselves to work, tramways in the Metropolis,\* on the special grounds:—

1.—That several other Municipalities own and lease out their tramways,—while the Huddersfield Town Council works its lines as well—successfully and profitably.†

2.—That the acquisition of the Tramways would constitute a pecuniary benefit to the ratepayers, and an increased convenience to the community.

3.—(a) That the Municipal Body brought, as it would be, into direct relations with a large number of employes, would be enabled, in the matter of hours and wages, to set a good example to other employers.

(b) That the conditions of Tramway labour under existing circumstances are very bad; municipal ownership would necessarily lead to great improvement in this respect.

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## “MARKETS.”

Further, it is argued that the London County Council, as the Central Representative Body of London, should have

\* There are at present eleven Tramway Companies in London (with a paid-up capital of £3,500,000) possessing about 127 miles of rail, with total receipts of over a million, and a surplus revenue of about a quarter of a million.

† Of the 158 tramway undertakings, 30 belong to Local Authorities, and 128 to Companies, the respective mileage being 250 and 700. (P.P. 303 of 1891.) The Tramways Act of 1870 prohibits public Authorities from working tramways; but, in 1882, Huddersfield obtained statutory powers to work its own tramways; and is able not only to treat its employes well, to pay interest and sinking fund on capital, but to earn a profit besides.

The London County Council decided last October to purchase a portion of the system of the London Tramways Company, the lease of which had fallen in. The purchase is authorised by Section 44 of the London Street

full Municipal control over the Metropolitan markets,\* with power, if thought advisable, to acquire existing and to create new markets; on the special grounds:—

1.—(a) That London possesses at present no “Market Authority,” and therefore there exists no machinery for properly regulating the Metropolitan Markets, for preventing nuisances, and for compelling sufficient and efficient accommodation.

(b) That, elsewhere, in provincial towns, the necessary power is in the hands of the Town Council; and, as a rule, the provincial markets are municipalised.

2.—That, in London, practically the markets are kept up at the cost of the ratepayers and the consumers, the profit going to individuals or to local or City monopolists.

3.—That the selfish interests of these individuals, Bodies, or Corporation, have prevented the proper extension of old and the creation of new markets.

4.—(a) That, thus, the cost of the necessities of life has been greatly enhanced to the inhabitants of London.

(b) That the monopoly enables “rings” to be easily formed with the object of keeping up the price of certain descriptions of food; and, in some cases, (it is alleged) with that purpose, good food is actually destroyed to prevent its coming to market.

5.—That the food supply of London should be made as easy, as cheap and as good as possible.

6.—That the owners of the markets have in no sense of the term a legal monopoly.

On the other hand, it is contended:—

That the existing markets are private or public (local) property, and cannot be interfered with without proper compensation.

Tramways Act of 1870, under which the Municipal Body for London is entitled to acquire the Tramway at the end of 21 years, the price to be paid being the actual value of the undertaking at the date of acquiring it.

\* There are in London fourteen markets all told; of these the City Corporation own eight; one belongs to St. Saviour's Parish, and the other five belong to private individuals.

## RURAL LOCAL SELF-GOVERNMENT.\*

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THE term "rural districts" is applied to every part of the country not comprised in "Boroughs," "Improvement Act," and "Local Government" Districts; and includes nearly every village.

The ordinary rural authorities may be divided into those which exercise jurisdiction in the "county," the "union," and the "parish." †

The authorities who together possess the government of the county area,—and who are appointed by various methods, upon various tenures, and for various terms,—are as follows:—

(i.) At the head of "*County*" affairs are the Lord Lieutenant and the High Sheriff, who are appointed and can be removed by the Crown.

The management of "*County*" affairs is chiefly vested in the county magistrates, appointed by the Lord-Lieutenant, who meet and transact their business at Quarter Sessions.

Their criminal jurisdiction (which extends to most

\* The first portion of this historical summary is left as it stood in earlier editions; the changes made in 1888 are detailed later on.

† I am much indebted for the following particulars to—amongst other authorities—Mr. George Brodrick's Essay on "Local Self-Government," republished in his "*Political Studies*." See also "*Local Administration*," by Messrs. W. Rathbone, M.P., A. Pell, M.P., and F. C. Montague, M.A.

The description given above of the existing rural local self-government by no means fully represents the confusion of areas, duties, rating, election, &c., which really exists.

offences) is exercised in Quarter and Petty Sessions. For the latter, and for other purposes, the county is divided into petty sessional divisions.

They have the supervision of the county gaols, the county police, and county lunatic asylums,—subject however to the Home Office.

They regulate county finance and taxation—subject to the Local Government Board.

They have the power of granting, renewing, or refusing licences to public-houses, &c.

They may prohibit the movement of cattle during the prevalence of cattle plague, &c.

They, in conjunction with certain others,—resident magistrates and waywardens elected by the parishes,—form “Highway Districts,” and settle questions connected with roads, bridges, canals, &c.

In addition there are the local income-tax assessors.

(ii.) The “*Union*” authority is the Board of Guardians. A union can be constituted or dissolved at the pleasure of the Local Government Board, which may also lay down stringent rules for the regulation of relief, &c. It consists of ex-officio members, namely, the county magistrates residing in the union, and elective members chosen by the ratepayers.

The business consists of the general supervision of workhouses, the regulation of outdoor relief, and the education of pauper children; in some instances, as school attendance committees, the care of elementary education; the carrying out of the Vaccination Acts; and the assessment or valuation of property for purposes of rating. The Board is also the sanitary authority in its rural sanitary district, which comprises the whole area not under urban authorities or Local Government Acts.

(iii.) The “*Parish*” authorities are the Vestry, and the

Overseers appointed by the Vestry, who represent the parish; and, where one has been appointed, the School Board, elected by the ratepayers, and charged with the education of the children of the class attending elementary schools—subject to the supervision of the Education Department.

In rural districts, therefore, the areas are divided into the County, the Union, the Parish, the Petty Sessional Divisions, the Highway District, and the Rural Sanitary District; and these areas may overlap, coincide with, or include one another.

The authorities who have jurisdiction in these various areas consist of the Crown, the Lord Chancellor, the Home Office, the Local Government Board, the Education Department, the Lord-Lieutenant, the High Sheriff, the County Magistrates, the Board of Guardians, the School Board, the Highway Board, the Vestry, and the Assessors of Income-Tax.

Their duties consist in keeping the records; supervising parliamentary elections; magisterial duties; supervision of county gaols, police, and lunatic asylums; county, union, and parish finance, taxation and valuation of property for rating; licensing public-houses, &c.; regulating movements of cattle; supervising bridges, roads, highways, &c.; managing workhouses and outdoor relief; sanitary matters, vaccination, and public health; all matters connected with elementary education; registration of voters, juries, births, &c. Many of their duties clash or coincide with those of the urban magistrates and town councils.

The modes of rating, moreover, differ considerably, while the exemptions and exceptions are numerous.

A large number of Bills dealing with the question of Rural Local Self-Government have from time to time been introduced into the House, but, until 1888, no comprehen-

sive scheme found acceptance. The two latest and most important (but unsuccessful) attempts to deal with the question were, first the Bill of 1871, introduced by Mr. Goschen, which was chiefly financial, and which proposed the consolidation of rates and the institution of Parochial Boards. The Chairmen of the Boards, who were required to have a £40 qualification, were to elect from amongst themselves a certain number of representatives for each petty sessional division. The magistrates in Quarter Sessions were to elect from amongst themselves a number of members equal to the total number of parochial representatives. Secondly, the Bill of 1878 introduced by Mr. Selater-Booth, which also adopted the petty sessional divisions, whilst it gave to each division two quarter-session-elected magistrates and two members, qualified to be guardians, to be elected by the guardians of each petty sessional division.

The objection raised against these and former proposals was, that they did not sufficiently simplify areas, authorities, and duties, while Mr. Selater-Booth's Bill would have actually increased the confusion of Local administration.

In 1888 a comprehensive measure of county government for England and Wales was introduced by Mr. Ritchie, and, after the withdrawal of many important portions of the Bill, was ultimately passed, and came into force in 1889.

The Act, as it stands, is very incomplete. It does not deal with the question of District or Parish Councils, with the question of the Poor Laws, or with that of the Licensing Laws.\* It deals most inadequately with the question of

\* The Bill of 1888 dealt with the question of the creation of District Councils, and with the transfer of the licensing powers to the County Councils (see section Local Option); but the clauses were withdrawn. For a good analysis of the Local Government Act of 1888, see a little volume by Mr. W. A. Holdsworth, published by Routledge & Sons.

decentralization of Executive duties and powers, and does little to simplify the existing complications of assessment and rating.

The Act, as it stands, exclusive of London,\* simply in general terms transferred to a directly elected body in each County—the County Council—the administrative and financial powers, other than the judicial and licensing powers, formerly held and exercised by the magistracy of the counties. In addition, the County Councils elect the County Coroner, public election by the freeholders being abolished.

They have extended powers in regard to roads and bridges. They may, if the Local Government Board so decide, have transferred to them certain powers at present possessed by various government departments and other bodies. The control of the County Police Force (in every county other than London) is to be given into the hands of an independent Committee, consisting of an equal number of Justices, appointed by Quarter Sessions, and of Councillors or Aldermen, appointed by the County Council.

The financial relations between the Exchequer and the County were considerably altered; and an attempt was made to render fairer the incidence of local taxation, as between realty and personalty,† by handing over for local purposes certain branches of revenue—derived from personalty, or in the form of licences—hitherto paid into the Exchequer; and at the same time partially withdrawing the Imperial grants in aid of the rates.

Certain local subsidies (mostly granted since 1874), amounting to £2,600,000, disappeared; and, in lieu of them, Imperial taxation, now amounting to about £6,640,000 a year,

\* See also section on *London Municipal Reform*.

† In former editions a section, now omitted, was devoted to this subject.

has been handed over to the County and Borough Councils.\* The taxation thus transferred consists of half the probate duty (£2,190,000); existing liquor and "establishment" licences (£3,330,000); additional Beer duty (£340,000), and Spirit duty (£780,000).

The largest boroughs—those containing over 50,000 inhabitants, sixty-one in number—are constituted separate and independent Counties, under the name of County Boroughs, and retain all the powers that they before possessed under the different Municipal Corporations Acts. In the case of the Quarter Sessions boroughs of over 10,000 inhabitants, the Council of the borough retains its independent powers, duties, and liabilities as local authority, but for other purposes the borough constitutes part of the County. In the case of boroughs of less than 10,000 inhabitants, the powers, duties, and liabilities of the Borough Council are very much curtailed, and to a large extent transferred to the County Council of the district.

The electors, in general terms, consist of the existing Parliamentary electors, less the lodger service and property qualifications, and with the addition of women and peers. They directly elect the Councillors (women are ineligible), whose number is determined by the Local Government Board. The electoral districts are as far as possible equal in population; and, except in London, are single seat constituencies. The Councillors are elected for three years, and all go out together.

They select from among themselves, or from outside, other Councillors, called Aldermen, who number one-third of the number of Councillors, and whose term of office is six years, one-half of them going out of office every third year.

\* In England, Wales, and Scotland; the amount allocated to Ireland is about £325, on a year.

The general principle of representative County Councils being now adopted, it is unnecessary to repeat the arguments which appeared in former editions in regard to the general question of Rural Local Self-Government.

The question of rural "District" or "Parish" Councils still, however, remains. The principle of the further extension of Local Self-Government to smaller areas within the jurisdiction of each County Council, is admitted; the dispute is as to the areas, whether they should be of considerable size, such as the Unions ("District Councils"), or whether a local Board should be created practically in each Parish.

The general argument in favour of the larger area as the unit, is that the smaller Boards would not have enough to do, and could not be trusted satisfactorily, and without prejudice, to carry out their duties. The argument on the other side is, that, by Parish Councils alone, would local interest in local affairs be fostered, matters affecting the locality be satisfactorily managed, and the working classes be directly represented.

## LAND LAWS.



From the "New Domesday Book" published in 1874, it appears that (including duplicate entries, which are very numerous, holders of glebe, charities, and corporations), there are in the United Kingdom 301,000 holders of land of above one acre, to a population of about 33,000,000. The number of holders of ten acres and upwards amounted to 180,000.\* The total acreage of the United Kingdom amounted to 77,800,000 acres, of which about 30,000,000 are waste and mountain pasture, and 48,000,000 under crops, pasture, or covered with woods and forests. Of the total acreage, 955 persons own together nearly 30,000,000 acres. In the next rank of landowners about 4,000 persons average 5,000 acres each; 10,000 persons own between 500 and 2,000 acres; 50,000 persons own between 50 and 500 acres, and about 130,000 own between one acre and 50 acres. †

The land is very differently distributed in England and Wales, Scotland, and Ireland. In the former about 4,500 persons own half the soil, in Scotland but 70 persons own half the land, and in Ireland the half is owned by 744 persons. ‡

The greater part of the land in the United Kingdom is cultivated by tenant farmers. They number 560,000 in Great Britain, and about 500,000 in Ireland, in all 1,060,000.

\* Mr. Shaw-Lefevre ("Freedom of Land") estimates that, after due deductions are made for duplicates, holders of glebes, corporations, and charities, and owners merely of houses as distinguished from owners of land, the landowners number only 200,000 in all, of whom about 166,000 are in England, 21,000 in Ireland, and 8,000 in Scotland.

† Lefevre, "Freedom of Land," p. 11.

‡ Kaye, "Free Trade in Land," p. 17.

Excluding mountains, waste, and water, the cultivated land is held by them at an average of 56 acres in England, and 26 in Ireland. Seventy per cent. of the tenant farmers occupy farms under 50 acres (chiefly in Ireland); 12 per cent. occupy farms of between 50 and 100 acres; 18 per cent. of more than 100 acres; 5,000 occupy farms of between 500 and 1,000 acres, and 600 occupy farms exceeding 1,000 acres.\*

The extent of land under various crops in 1887 was,—wheat 2,387,000 acres, barley 2,255,000, oats 4,418,000, other green crops (including potatoes) 5,390,000, other crops 695,000, grass under rotation 6,000,000, permanent pasture 25,700,000, and woods, plantations, 2,500,000. The value of home crops and animal produce, compared to foreign imports of food, was in 1883 as follows:—†

	Home Growth.	Foreign, 1882.
Value of corn and vegetable produce ...	£105,750,000	£69,748,000
Value of animal produce ...	135,000,000	68,615,000
Total ...	£240,750,000	£138,393,000

The number of agricultural labourers and shepherds in England and Wales amounts to about 800,000.

## LAW OF INTESTACY.

By the Law of Intestacy, or Primogeniture, all the real property (that is, the landed property) of the deceased who has neglected to make a will, goes to his heir-at-law, while all his personal property (that is, property other than land) is divided equally among

\* Caird, "The Landed Interest," p. 58.

† From figures kindly furnished me by the late Sir James Caird. In the first edition (1880), the figures quoted were for 1877, when the Home Growth amounted to £260,740,000, and the Foreign Imports to £110,700,000.

his children (after making due provision for the widow), or failing these, among the nearest of kin.

The abolition of this law, and the assimilation of real to personal property in case of intestacy, is advocated on the grounds:—

1.—That now-a-days real and personal property are practically similar things under different names, and are equally secure; and as there is now no need for a “head of the family,” the distinction drawn between them is merely a relic of feudalism, and out of keeping with the ideas of the age.

2.—(a) That the custom of primogeniture revolts the sense of equity, and ought not to receive any countenance from the law.

(b) And further, that the law should never be allowed to favour the one, as against the many.

3.—That it is the duty of a man to make a will; which, if he neglects, the State should step in and administer his property with justice and equality to those of equal kindred; and should not punish the younger children for the neglect of the parent.

4.—That however convenient this custom or law may have been, or may still be, with regard to rich landowners or ancient families, it works mischievously and unfairly in the case of small holders of land, and in cases where the whole property of the deceased consisted of land.

5.—That though the law does not often come into force (since most men with anything to leave make wills), yet it sanctions the principle, and has led to the custom, of an unequal division of property, and tends to the formation of “eldest sons,” and towards “entail”—and these are evils.

6.—That the abolition of the law would cause no revolution, but only effect a personal change of feeling opposed

to entail and primogeniture, and in favour of the subdivision of property among the children.

7.—That the repeal of the law would therefore tend to break up the land; that the more the land is broken up into small estates or plots, the better for the body politic, the present accumulation of land in a few hands constituting a grave political danger.

8.—That this law helps to maintain the aristocratic system of society in England; and that to abolish it would be a democratic step.

Alterations in the law are opposed upon the grounds:—

1.—That social and material inequality has its advantages.

2.—That our social system has been built up on the principle of primogeniture; and would be greatly shaken by any attempt to discredit or alter it.

3.—That the whole question is a very unimportant one; the vast majority of landowners leave wills, and he who does not desire his eldest son to inherit all his real property, has but to make a will.

4.—(a) That the bent which the law gives towards the formation of “eldest sons” and to “entail” is advantageous to the country.

(b) That the law ought to follow the prevailing custom, and it is the prevailing custom with landowners to leave their land to the eldest son.

5.—That any law which has a tendency to prevent the subdivision of land has advantages, and should be retained.

6.—(a) That the law helps to maintain the aristocratic system of society in England; to abolish it would be a democratic step.

(b) That it would tend towards the abolition of entail.

7.—That though it may occasionally lead to hardship, it

propagates none of the evils of entail, for the heir succeeding under this law is absolute owner of the land and may sell it, or it can be seized for his debts.

8.—That if, in case of intestacy, the land had to be divided or sold, ill-feeling would often be engendered, and delay and loss would be occasioned.

9.—(a) That real and personal property are altogether dissimilar; the latter can without any difficulty be divided into portions, while the former cannot be distributed without considerable inconvenience; there is therefore no anomaly in dealing with them in a different spirit.

(b) That a personal estate, though distributed, can be re-accumulated; whereas a real estate, once broken up and divided, cannot be resumed under the same conditions as before.

(c) That personal does not appeal to the sentiments in the same way as real property; and, while the co-heirs would naturally object to the whole of the former being left to one person, they would usually be in favour of the non-division of the real estate; yet, if the law were changed, they could not prevent sub-division.

## ENTAIL.

By the laws which, until 1882, regulated Entails,\* a land-owner could so tie up his land by settlement that (if a sale

\* Strictly speaking, there are no "Laws of Entail" in the very early or feudal sense of the word, *i.e.*, perpetual descent of land in one family. The descent of land is regulated by a custom, prevalent among land-owning families, and favoured by the law, and sufficiently universal to produce in practice results almost equivalent to those which would be produced by entail properly so called.

were expressly negatived, and in any case without the consent of the trustees and others interested) it could not be sold, or seized, or lessened in size, for a period comprising the lifetime of any number of persons actually in existence, and until the yet unborn child of one of these attained the age of twenty-one. None of the persons on whom the land was entailed, with the exception of the last, could sell the land or mortgage it beyond his life without the consent of all the other persons interested in the entail.

These restrictions have now been considerably relaxed by Lord Cairns' Settled Land Act of 1882, mentioned below; it did not, however, affect the other laws of entail, which prevent the tenant-in-tail (the last named in the settlement), even on attaining the age of twenty-one, from breaking the settlement without the consent of the "protector of the settlement" (*i.e.*, usually the existing tenant-for-life); and which provide that each of those on whom the land is entailed must carry out all the regulations and bear all the charges imposed on the estate by the will.

"The Settled Land Act" of 1882, referred to above, provides that:—A tenant-for-life may (1) sell, exchange, or partition some or all of his settled land; or (2) may lease it, with or without reservations, for a term of years; for building purposes, granting a ninety-nine years' lease; for mining a sixty years' lease; and for any other purpose a twenty-one years' lease; while, with the consent of the court, and subject to certain conditions, longer leases, even in perpetuity, can be granted. The capital money received from the sale, exchange, &c., is to be paid over to the court or to the trustees, and by them applied, according to the direction of the tenant-for-life, to, (1) Investment in Government securities, or other securities allowed under the settlement; (2) To the redemption of incumbrances on the land; (3) To payment for improvements under the direc-

tion of the trustees; "improvements" including such works as drainage of all sorts, fencing, reclamation, road-making, and the building of cottages\* and farmhouses, &c., the making of railways or tramways—practically to any "permanent" improvement; the improvements, when made, have, however, to be maintained or insured by the tenant-for-life; (4) To the purchase in England of freehold or leasehold property (if sixty years unexpired). All such investments to devolve in the same way as the land would have done if left untouched.

If money is required from "enfranchisement," or for "equality of exchange or partition," it can be raised on mortgage of the settled land. Personal chattels devolving with land can be dealt with in the same way. The mansion or park cannot, however, be sold, except with the full consent of the trustees or by order of the Court; the "Court" being the High Court of Chancery.

As regards Scotland, the "Entail Amendment Act (Scotland)," of 1882, has practically abolished any legal support of "entails," and has changed the tendency of the law, so as to discourage the tying-up of land. This Act enables an owner of entailed land, if he desires to sell, to force the next heir to give consent to the disentailing of the property; the Court of Session fixes the amount of compensation to be paid out of the proceeds of the sale, to the "heir," for loss of entail; and after this sum has been paid, the owner is at liberty to dispose, as he pleases, of the balance. In England, as already mentioned, the proceeds of the sale must be re-invested in a specified way.

The abolition of the "Law of Entail"—or more

\* Under the Housing of the Working Classes Act, 1885, land may be leased or sold for the purpose of erecting dwellings for the working classes at a less price than the market value.

strictly speaking of the power of settlement—is proposed on the grounds:—

1.—(a) That the law is the main prop of the aristocratic system of society which prevails in England; and that its abolition would be a democratic step.

(b) That its abolition would broaden the foundations on which law and order rest, by leading to the possession by a larger number of persons of a real stake in the country; that its abolition would therefore have a Conservative tendency.

2.—(a) That the law artificially fosters one class; and the protection of any class by the State from the consequences of its own folly or ill-luck, is unfair to the community, unsound in principle, and mischievous in practice.

(b) And that this artificial protection of the aristocracy really injures those whom it was meant to cherish, for by securing profligates from the natural consequences of their misconduct, it fosters profligacy, and damages both the character and the fortunes of the aristocracy.

3.—That if the ruined part of the aristocracy were allowed to perish off the land, and their places were taken by new men, it would lead to a greater mingling of the higher and middle classes—to the good of both and of the nation.

4.—That the law maintains in influential positions men unworthy to be in those positions.

5.—That the law lessens due parental control by making the eldest son independent of his father; that it leads to disputes between father and son; while it induces careless landowners to be more careless than they otherwise would be about the education of their children.

6.—That it causes the ruin of many eldest sons by allowing them to live in indolence; and by securing to them their succession, tempts them to anticipate and squander their

fortune ; while it causes penury to many younger sons, by depriving them of any share in their father's property.

7.—(a) That the accumulation of land in a few hands is a grave political danger ; while it leads to the evils of absenteeism.

(b) That in consequence of the existence of entail, though the wealth of the country is increasing, land is passing into fewer hands. The land laws generally, and entail particularly, have tended to the creation of large estates, and have caused the absorption of the small freeholds.

(c) That whereas land ought to be greatly broken up, the law tends to keep it in a few hands ; for it prevents estates being sold which would otherwise naturally, or in consequence of insolvency, come into the market, and thus artificially raises the price of land ; renders necessary long and costly deeds and wills ; and by thus throwing difficulty and expense in the way of ascertaining the state of the title, adds greatly to the cost of the purchase of land, more especially in the case of small plots.

(d) That the abolition of entail would tend to the sale of portions of an estate to provide jointures and provisions for the younger children, instead of these being charged on the estate.

8.—That the law offends against the canon of “free trade in land,” viz., that neither should artificial restrictions on the sale of land and the breaking up of large estates be retained, nor should there be artificial fostering of small estates.

9.—(a) That the law causes the soil to be far worse dealt with than it would be if it were all in the hands of absolute owners ; for it tends to enlarge instead of to diminish estates ; for it deprives the landowner of any but a life interest in his estate, and thus greatly diminishes his care for the land ; it deprives him of the means of improving the

estate, inasmuch as he receives only the income, and may not sell part to improve the rest (at all events, without very great trouble), and may not raise money on mortgage, except for his own life, or for a limited number of years; in most cases he has to save what he can for the younger children, instead of investing his surplus in improving the land, while he is obliged to charge the land with annuities and jointures; and the restrictions and covenants inserted in the settlement often prevent him from agreeing to the best terms for himself and the tenant, thereby retarding the progress of agricultural improvements.

(b) That entailed land cannot be said to be really *owned* by anyone, but is a joint ownership of several persons; the interests of the different co-partners being, moreover, often antagonistic.

(c) That if it be true—which is denied—that rents are, as a rule, lower on entailed than on unentailed properties, it is a proof that the land has been less judiciously farmed or improved.

10.—(a) That strict settlements, by suggesting re-settlement, tend to perpetual entail.

(b) That if entail and settlement were abolished, the feeling in favour of “tying up” land would gradually tend to disappear.

11.—That the abolition of the law would not specifically injure any single individual; while it would benefit the general community.

12.—(a) That under the Act of 1882 the inducements to sale are not sufficient, seeing that the tenant for life has no real control over the proceeds.

(b) That where, as in the case of Scotland, he has an interest in the proceeds of the sale, much land has been brought into the market.\*

\* Land to the value of some £10,000,000 has been already disentailed under this Act.

13.—That England alone retains these laws ; all other civilised countries have greatly modified or entirely abolished them.

14.—(By some.) That all power of settlement, of any sort, in land, should be abolished ; and, to this extent, there should be less liberty of dealing with real than with personal property ; on the ground that, while it is more injurious to land that the owner for the time being should not have absolute power over it, personal property (for instance, consols) is in no way deteriorated by being tied up.

[Some consider that the advantages to be derived from the abolition of entail and settlements are problematical, but are in favour of sweeping away any class privileges or restrictions which can be shown to exist.]

See also the section on *INTESTACY*.

On the other hand, the “ Law of Entail ” is upheld on the grounds :—

1.—That there is something sacred about the ownership of land which must not be interfered with.

2.—(a) That it is of great importance to the country to preserve the ancient aristocracy intact ; an ancient aristocracy exercises a good influence on the character of a nation, and should, therefore, be indirectly protected by law.

(b) That the abolition of entail, by causing the monetary ruin of many peers, would necessitate alterations in the constitution of the House of Lords, and the disadvantages and dangers of such a step would outweigh any advantages to be derived from the abolition of entail.

(c) That any tampering with the present system of society, as founded on the aristocratic and feudal principles, would be little less than a revolution.

3.—That the land is better cultivated in large masses than if broken up among many small owners.

4.—(a) That the abolition of entail would tend to the purchase of estates by commercial men, and men with no knowledge or appreciation of the responsibilities and duties of property.

(b) That estates are better cared for and improved under the existing law than would be the case if it were abolished, for landowners cannot now mortgage heavily or squander their capital as if it were income; while, except in an infinitely small number of cases, the interests of the tenant-for-life and his successor are the same as those of the public.

(c) That tenants-for-life and trustees do now possess very considerable powers of dealing with the land.

(d) That the abolition of entail would cause the destruction of many noble parks and mansions, the existence of which adds to the pleasure and refinement of all classes.

5.—That the abolition of entail would only accelerate the accumulation of land in a few hands, for its action chiefly helps to preserve the smaller properties; the tendency of the land market being towards a diminution in the number of separate estates.

6.—That the heir may fitly claim the aid of the law in guarding him from the destruction of the property he ought to inherit. He may fairly ask that his predecessor should be only allowed to ruin himself, but not to ruin his successor as well.

7.—(a) That the younger sons partake in the benefit which this system confers on their (the aristocratic) class, and share the lustre of the family position; while their best energies are called forth by the necessity of carving out their own fortunes; and it is largely such men who have given us India, and colonized the world.

(b) That at the same time the responsibilities cast upon

the eldest son call out his best energies ; while in most cases he has been properly educated for the duties of his position.

8.—That land is no more unequally divided than other descriptions of property ; the unequal distribution is the result of wealth, not of the land laws.

9.—(a) That personal property can be entailed (by placing it in trust, &c.), and the abolition of the power of settlement would be placing real at a disadvantage as compared to personal property.

(b) That the abolition of the law of settlement would be equivalent to placing restrictions on freedom of settlement.

(c) That such restrictions would render land a less eligible investment than at present ; and the objects aimed at would thus be defeated.

(d) That, if entail were abolished, the power to grant annuities and charges on estates to the widows and younger children would be greatly curtailed, and the security for payment would be diminished.

10.—That those who desired to tie up their land would easily find means to evade the law.

11.—(By some.) That rents are often lower, and that the tenure is more secure, on entailed, than on unentailed estates.

See also the section on *INTESTACY*.

## REGISTRATION OF TITLES TO LAND.

Various attempts have been made to introduce a complete system of registration of Titles to Land, but as yet without success. In 1862 Lord Westbury brought in the “*Transfer of Land Act, 1862*,” which, however, was so far from a success, that only five years afterwards Lord Westbury himself was called upon to preside over a Royal Commission to

enquire into the causes of the failure of the Act—a failure chiefly due to the fact that the scheme in no way provided for the simple register of title, but on the contrary encouraged complication. In 1873 Lord Selborne introduced a Bill, founded on the recommendations of the Royal Commission, which provided for the gradual registration of all titles. Lord Cairns re-introduced the Bill in 1874, exempting from its operation all land under the value of £300. Again, in 1875, the Bill reappeared, this time in a purely permissive form, as the “Land Transfer Act, 1875,” and was passed—but has been a dead letter. In 1878 a Select Committee was appointed to enquire into the subject, and reported, recommending:—completion of the ordnance survey of England; payment to solicitors by results and not by verbiage; vesting of the freeholds in some one ascertained person; substitution of simple charges on land defeasible in case of repayment, for the complicated machinery of mortgages and reconveyances; reduction of the time necessary for obtaining a “title”; establishment of convenient registers, properly indexed, and containing a clear *résumé* of past transactions.

It is proposed to establish Land Registry offices, where a public record of all transactions affecting the land should be registered, and information concerning them obtained for a small *ad valorem* fee.

By some it is proposed that the titles to land only should be registered, and that for every property one name should be registered as that of the legal proprietor, with absolute power of transfer. All titles, “absolute,” or “qualified,” as well as those depending on possession, would be here registered.

Priority of registration would give priority of mortgage, claim, or title. The object of the registration of title would be to dispense with the necessity in future transactions of tracing the history of past transactions.

By others it is proposed to register, not the title, but all deeds connected with the land.

Registration, whether of Title, or Deeds, or both, is advocated on the grounds:—

1.—That it would greatly facilitate the sale and purchase of land.

2.—That it would tend to the subdivision of land, and the formation of small properties; at present the cost of conveying small plots is (irrespective of the price of the land) out of all proportion to their value, and is often so great as to be prohibitive.

3.—That it would lessen the trouble and expense, and so facilitate the mortgaging of land.

4.—(a) That much litigation on the question of titles, deeds, and claims to land, &c., would be avoided; for registration would make titles, &c., much more secure.

(b) That the fraud at present occasionally perpetrated in titles and mortgage deeds would be impossible, and the fear of fraud would cease.

5.—That the landowners would profit by registration; the element of uncertainty of the cost of search being eliminated, registered land would fetch two or three years' purchase more than unregistered.

6.—That dealings in land are daily becoming more complicated, the sooner they are simplified by registration the better.

7.—That the registration of deeds in Scotland and Ireland, and of titles in Australia, has been a success.

The registration of Title alone is advocated on the ground :—

8.—That the simple registration of title would present the intending purchaser or mortgagee with the net results of former dealings with the property, while the registration of deeds places the dealings themselves before him, but leaves him to investigate them for himself.

The registration of Deeds alone is advocated on the grounds :—

9.—That the search of the register would be made by an official conversant with the subject, who would deliver a “certificate of search,” showing the results of his investigations, and the certificate would, for future transactions, be accepted as an abstract of the state of the title up to date, and thus the purchaser or mortgagee would be relieved from the necessity of a search anterior to that date.

10.—That the process of copying the deeds on the official register would involve purely clerical work, and would create no difficulty or delay.

11.—That the fear of malevolent curiosity is unfounded; in the case of the Probate Court, the Middlesex, Scotch, and Irish Registers, no complaints have been made on this score, though any one, for a small fee, may search those records.

The proposals to register the Title, the Deeds, or both, are opposed on the grounds :—

1.—That they are impracticable; and that all the schemes already put into operation have completely failed in their object.

2.—(a) That the title and deeds would still have to be “searched” at the Registry Office.

(b) And that the registered title and deeds would not satisfy a purchaser or mortgagee, and outside “searching” would be continued.

3.—That mistakes on the part of the “searcher” might lead the State into complications with reference to titles, &c., which would be inexpedient.

4.—That it would give rise to inconvenient enquiries and in many cases great difficulty would be experienced in proving the title.

5.—That it would be unfair to require landowners to go to the trouble and expense of registration, when perhaps they had no desire or opportunity of selling their land.

6.—Some, who are in favour of registration, consider that to legislate for the registration of titles and deeds, without, as a preliminary step, simplifying the titles to be registered, is to begin at the wrong end.

The proposal to register Titles alone, is further opposed on the grounds:—

7.—That if an owner were created for the purposes of registration, the remaining interests would become the subject of a second record of title outside the register; and searching would be as troublesome and expensive as ever.

The proposal to register Deeds is further opposed on the grounds:—

8.—(a) That the “searching” would be just as tedious and expensive at the Registry Office as it is at present outside.

(b) That the copying of deeds on an official register would be productive of much delay and expense.

9.—(a) That it would be unjust to expect landowners to expose to public view all their land debts, mortgages, and settlements.

(b) And that it would be equally unjust to expect them publicly to notify the fact when they wished to charge their estates with any burden ; while in the case of landowners employed in business, the knowledge that they were endeavouring to raise money might greatly injure their commercial credit.

#### COMPULSORY REGISTRATION.

It is proposed by some that, whatever may be the system of registration adopted, all existing landowners should be compelled to register their land ; others consider that the owner of land should not be compelled to register (though he might do so voluntarily), except at the moment of first selling or mortgaging his land after the passing of the Act.

Compulsory registration is upheld on the grounds:---

That unless registration be made compulsory, it will be delusive ; that it is the permissive character of the different schemes already adopted that has caused their failure. For, unless compelled, few care to embark in an experiment, the success of which is not assured, and in which there is no guarantee that their neighbours will follow their example. It is against the interest of the solicitors to advise their clients to register. Expense is involved at the time of registration, while the advantages to be derived from its

adoption are prospective only. Some fear that a flaw in their title may be exposed, if they have to prove it; or dread the difficulties of identifying parcels of land. Some shrink from exposing their indebtedness, and the charges falling on their land.

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### DISTRESS.

Before 1883, by the law of Distress, the landlord had a first claim on the estate of the farmer for arrears of rent, and this had to be satisfied in full before the other creditors could receive a penny. And further, in liquidation of his own debt, he might seize any live or dead stock which might be on the land, even including that which was known to belong to persons other than the debtor. He might allow arrears of rent to run for six years, and at any time during that period he might enter and sell what he found on the land; he was therefore at liberty to take advantage of any moment when stock or goods belonging to others might have been placed on the farm.

By the Agricultural Holdings Act (England) of 1883, the right of distraining for rent was limited to one year; while any live-stock and agricultural or other machinery which may be on the land of the tenant, but *bonâ fide* the property of someone else, is now practically exempted from seizure.

It is proposed to abolish the law of Distress, and

to put the landlord on the same footing as other creditors, on the grounds :—

1.—That the present law is a gross infringement of the principle of freedom of contract. It not only interferes with the freedom of contract between landlord and tenant, but also with that between the tenant and third parties.

2.—That the law is a relic of feudalism, and inconsistent with the present relations between landlord and tenant, as also between them and outside traders.

3.—That it places the tenant completely at the mercy of the landlord ; the latter can issue execution before making any application to the Court.

4.—(a) That it is an unfair monetary privilege possessed by one class at the expense of others. Money transactions connected with the cultivation of land should be put on the same footing as other commercial transactions.

(b) That the law is manifestly unfair on other creditors by giving a preference to one.

(c) That the law encourages the landlord to allow his tenants indulgences at the expense of others, and not at his own risk ; and this without the other creditors having a voice in the matter.

(d) That even without the law, the landlord would still be in a better position than other creditors to assert his claim, and to proceed at once, if the tenant were in arrears with the rent ; while, at the worst, he would but lose his rent, and could always recover the principal of his loan—the land—while other creditors would still be liable to lose all their advances.

5.—(a) That though landlords do not often take advantage of the power they possess of distraining, the knowledge of the existence of the law operates adversely to prosperity and production.

(b) For it increases the expenses of the farmer and the cost of production, in that it greatly lowers his credit, both by giving the landlord a preferential claim, and by making it difficult for other creditors to ascertain whether, or how far, the rent is in arrears.

(c) It allows men without capital and "men of straw" to be accepted as tenants, whom the landlord could not afford to accept unless this law were in force; and by the undue competition of these men, rents are forced up, while better farmers, and men of capital, are often shouldered out, and production suffers.

(d) It discourages the tenant from investing his capital in the improvement of the soil.

6.—That therefore the consumer suffers from the law.

7.—That the landlords would gain by the abolition of the law; for as they would be obliged to take more trouble in ascertaining the solvency and capability of their tenants, they would, in many cases, obtain better men; the production, and consequently the rent of the land, would be increased.

8.—That the practice of allowing rent to fall into arrears is a bad one, and would tend to disappear if the law were abolished.

On the other hand it is contended:—

1.—That the present law is a right, and cannot be fairly abolished without compensation; that its abolition would unfairly advantage other existing creditors at the expense of the landowner.

2.—That practically the law is only put into force in the case of bad tenants; a landowner is more likely to be lenient than any other creditor.

3.—(a) That the abolition of the law would tend to diminish the amount of capital invested by landlords in

the soil ; while it would also discourage the tenant from sinking his capital in the land.

(b) That if the law were abolished, the landlords (for their own security) would have to demand payment of the rent in advance, and thus a large amount of capital would be withdrawn from the cultivation of the soil ; on the other hand, as rent is the surplus profit resulting from the farmer's outlay and attention, it would not be found possible to demand this profit before it were obtained.

(c) And that consequently the landlord would have to lend his land without any security for his rent ; while he would not possess equal means with other creditors of obtaining his dues ; greater insecurity would oblige him to raise his rents.

(d) That the landlord would require securities from the farmer ; and thus a pernicious system of securities and mutual backing would arise.

4.—(a) That it would lower rents by eliminating those farmers who are designated “men of straw.”

(b) That often those farmers who have risen from the ranks are the best, but yet, as they possess little or no capital, the landowner, if the law were abolished, would not feel justified in accepting them as tenants.

5.—(a) That at present, arrears of rent are often allowed to accumulate in consequence of the landlord's sense of security ; this leniency could no longer be expected if the law were abolished ; consequently many existing tenants would at once receive notice to quit ; while in bad seasons the tenant could not, as now, count on receiving forbearance and assistance to tide him over times of adversity.

(b) That, therefore, many tenants would be ruined who might otherwise pull through ; and the tenants and the trades interested in agriculture would alike suffer.

6.—(a) That the landlord would not only lose his rent in

the case of a bankrupt tenant, but, in addition, his land would probably have been greatly injured and diminished in value, while the other creditors at the worst would only lose the goods they had advanced.

(b) That other traders need not advance their goods, or can always cease to do so ; the landowner must lend his land and cannot re-enter on it at any moment.

(c) That other traders have just as good an opportunity of ascertaining the solvency of a farmer as they have of gauging that of any other debtor ; they are aware of the preferential claim of the landlord, and are therefore not wronged by the law.

(d) That in all trades some creditors have, or can obtain, preferential claims.

7.—That the more easily debts are recovered the better for commercial prosperity and morality ; distress, therefore, should not be abolished, but greater facilities should be given to other creditors to recover their debts.

8.—That it would operate against leases if the landlord could not afford to allow any rent to fall into arrear.

[It is generally conceded that if the law of distress be abolished, the landlord must be given a more speedy right of re-entry than he possesses at present.]

### TENANT' RIGHT.

Before 1875 any improvements made by a tenant on his farm went by presumption to the landlord without compensation.

By the Agricultural Holdings Act of that year the

tenant, if disturbed in, or resigning, his holding, became entitled to claim compensation for any improvements made on the farm by him. The Act was however permissive, and landlord and tenant could contract themselves out of it.

By the Agricultural Holdings Act of 1883, compensation was made compulsory, the measure of compensation to be the value of the improvements to the incoming tenant; the county court being the final arbitrator. For permanent improvements the consent of the landlord is required; for "drainage," the landlord must do the work, otherwise the tenant has a right to perform it himself and claim compensation; for quickly perishable improvements the consent of the landlord is not required. Fixtures and machinery are made by presumption the property of the tenant.\*

As tenant right is now in fact compulsory, it has not been thought necessary to reprint the section, appearing in former editions, and which dealt chiefly with the question whether or no the Act of 1875 should be made compulsory.

\* It is objected to this Bill that it in no way protects the "sitting tenant" from an arbitrary increase of rent on his own improvements. On the other hand, it is urged that the landlord will be prevented from charging an unfair rent, through the fear that the tenant would quit and claim compensation; and that any other system must necessarily lead to a Government valuation of rents.

## NOTICE TO QUIT.

About two-thirds of the tenant farmers in England formerly held their farms on a six months' notice to quit, and before the passing of the Agricultural Holdings Act of 1875 they could be turned out of their holdings by a six months' notice. That Act permissively extended the notice to quit to a year; but allowed landlord and tenant to contract themselves out of its operations; a principle also adopted in the Act of 1883.

It is proposed to repeal this power, and to make a year's notice to quit compulsory in every case.

The proposal to make a year's notice compulsory is upheld on the grounds\* :—

1.—That the short notice acts as a deterrent to the tenant against investing his capital in the land; for he has no security that his rent will not be immediately raised in consequence of his improvements; and he has no inducement so to rotate his crops as to obtain the greatest production.

2.—That the landlord would not be in a worse position in consequence of the alteration, for as the tenant would receive compensation for unexhausted improvements, there would be no inducement to him to exhaust the soil before leaving; if he did exhaust the soil, the landlord could sue for breach of contract.

\* The arguments for and against the question of "freedom of contract," as infringed by this proposal, are not given here.

On the other hand, the usual six months' notice is upheld on the grounds :—

1.—That it is seldom enforced, except in the case of really bad tenants.

2.—That if a year's notice were substituted, the landlord would be at the mercy of a bad tenant; he could not get rid of him quickly, and could not prevent his exhausting the soil and doing great damage to the land during the time in which he was under notice to quit.

3.—That the change would take too much power out of the landlord's hands; and would diminish his interest in his land.

4.—That it would act hardly on the tenant, by preventing him from surrendering his farm except on a long notice.

## ALLOTMENTS AND SMALL HOLDINGS.\*

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CONSIDERABLE powers have of late years been given to Town Councils and to County Councils to erect houses, and to purchase plots to be let to the working classes. It is proposed still further to extend the functions and powers of these Local Authorities, so that, if they wish, they shall be enabled to acquire land compulsorily at a "fair price" † for public purposes, in order that they may re-let it in the form of gardens, allotments, and small holdings, and, if they choose, provide cottages.‡ The tenant to have security of tenure, so long as the rent is duly paid, and the other conditions of tenancy fulfilled.

This proposal is supported on the grounds :—||

1.—That it is of the utmost social, economical, and poli-

\* This section is left, more or less, as it stood in former editions, though in 1887, and again in 1890, Allotment Acts were passed "to facilitate the provision of allotments for the labouring classes." It is alleged, however, that these Acts are so hedged about with restrictions, and give such opportunities for cost and delay, as to make them almost useless for purposes of practical working. For the result of the working of the Acts, see P. P. 310 of 1892.

A Small Holdings Act was passed in 1892, under which the County Council was given power—though not compulsory power—to acquire land by lease or purchase, to be let or re-sold in Small Holdings. The County Council may advance money for the purchase of a holding. A Small Holding is defined as land that exceeds one acre, and does not exceed fifty acres.

† A "fair price" was defined by Mr. Chamberlain, at Hull, August 6, 1885—to be "the fair market value, the value which the willing purchaser would pay to the willing seller, without any addition for compulsory sale."

‡ See also note on "*Municipal Acquisition of Unearned Increment*," p. 291.

|| See also the sections on *Leasehold Emfranchisement* and on *Entail*.

tical importance, to give an interest in the land to a larger number of persons.

2.—(a) That, at present, in consequence of the monopoly which exists in land, the labourer and the artizan are entirely divorced from the soil, which their labour makes valuable or productive. The labourer has no chance of obtaining with his cottage a reasonable allotment, at a fair rent, and with security of tenure ; the artizan, similarly, has no opportunity of renting a small holding.

(b) That whilst formerly the labourer used to possess rights of grazing on the roadsides, commons, &c., this land has now for the most part been enclosed.

3.—That, consequently, the lot in life of the ordinary labourer or artizan is “landless, joyless, restless, hopeless ;” a source of evil to himself, and a danger to the community at large.

4.—(a) That the best way of improving the condition of the working classes, is to give them a direct interest in the soil, to make them less dependent, to enable them to possess a home, and an interest to which they can turn their superfluous energies—something which will induce to thrift and saving, and prevent waste and drunkenness. This can alone be done, by giving them a direct and secure interest in the fruits of their labour.

(b) That it is of little use to increase wages, or to lessen the hours of labour, so long as the working man has no fair opportunity of improving his surroundings ; unless a man can alter his surroundings, his surroundings will mould his character.

(c) That the possession of an allotment would not interfere with the daily duties of the labourer to his employer ; while, by improving his condition, he would become a more efficient worker.

(d) That, thus, the working classes would be more hopeful, healthy, prosperous, and content.

5.—(a) That the present system has resulted in an enormous diminution in the number of labourers, with the result that the land is not properly cultivated.\*

(b) That by planting the labourer on the land, and by giving him an interest in it, he would be induced to remain in the country instead of, as now, migrating into the towns; a migration which results in his own great physical and mental deterioration; which lowers the wages of the townsmen, and which leads to the many grave social evils arising from overcrowding.

6.—(a) That the community at large has a perfect right—on paying fair compensation—to resume, for its own benefit, the land which originally belonged to it.

(b) That the landowners hold their land on the implied condition that it is to be used so as to produce the greatest advantage to the whole community, and if they will not, or cannot, carry out their duty voluntarily, they must be forced to do it, or have it done for them. In the matter of cottages and allotments, they have neglected their duty. Few landowners have a sufficient number of cottages on their estates, hardly any have given allotments.

(c) That, in the matter of land especially, the State has for too long allowed, and has in fact encouraged, the interests of the few to stand in the way of, and to override, those of the many.

7.—That there would be no confiscation or robbery, as a fair price, to be settled by arbitration in case of dispute, would be given for any land resumed by the community.

8.—That experience shows, that without the full posses-

\* It is estimated that the labouring population of the country districts has diminished to the extent of 800,000 persons during the last fifteen years.

sion of compulsory powers of purchase at a "fair price," the Local Authority would be absolutely unable to acquire land, except at an exorbitant or prohibitive price.

9.—(a) That the land system has been an artificial one. The State, by encouraging Entails, Primogeniture, non-division on Intestacy, &c., has done much to foster land monopoly, and to divorce the labourer from the soil. Merely to repeal these Land Laws would not undo the mischief which has been done.

(b) (By some.) That merely to cheapen and simplify the transference of land, would but tend to keep it in the hands of the same class of persons, and would probably result in the further purchase of land by the rich, and the increase in the size of estates.

10.—That legislation cannot do everything, and may not be successful in this instance, but it can assist to form, to strengthen, to carry out public opinion. The voluntary system has failed; it is time to see whether State interference would not attain the desired ends.

11.—That the proposal is undoubtedly a socialistic one. But Socialism is already incorporated in our laws, and there are precedents in the Poor Laws, Municipal Administration, Education Laws, Sanitary Laws, Artizans' and Labourers' Dwellings Laws, and more especially in the Irish Labourers' Dwellings Act.\*

12.—(a) That it is no new thing to give considerable discretionary powers to representative local authorities, and

\* This Act, passed in 1882, with the amending Acts of 1883 and 1885, practically gives to Boards of Guardians in Ireland, under the authority of the Local Government Board, nearly all the powers in the matter of purchase of land, erection of cottages, and letting of allotments, which are now demanded for England and Scotland; loans for the purpose being made to the Boards of Guardians by the Treasury on very easy terms. The Boards are enabled not only to purchase land, to build cottages, and to attach to each half an acre of land, but can attach such plots to any existing cottages.

the tendency of the times is still further to enlarge their powers.

(b) That there would be no compulsion on the Local Authority to exercise their compulsory powers ; thus, unless the majority of the local community so desired, nothing would be done ; while, in every case, great caution would be exercised in the purchase of land and the provision of allotments ; and public opinion would always prevent excess in supply, or any unfair treatment of a particular landlord.

13.—(a) That there would be no fear of immovably fixing a particular labourer to a particular spot ; the tenant-right would always be saleable, and the holder would thus always be able to remove from one place to another without loss.

(b) That the Local Authority would not provide allotments and cottages for all ; thus there would never be any excess of labourers attracted by this means to any particular locality.

14.—(a) That the labourers and artizans would be glad and willing to rent cottages and allotments at a fair rent, with security of tenure. The habit and taste, however, for ownership having been lost by long disuse, it will only be re-acquired by degrees.

(b) That the offers made to them now, and refused (from whence some argue that they do not want allotments), are often not genuine ; no real security of tenure is offered, and, as a rule, enormous rents are demanded ; while they are made in order to stave off legislation, for electioneering purposes, or from desire of profit. Until the experiment has been more fairly tried, it cannot be said to have failed.

(c) That where the system of allotments has been genuinely carried out by some enterprising landlords, it has proved eminently successful.

15.—(a) That, the land being acquired at a fair price,

and let on reasonable terms, the cost would be no burden to the rates. That, even at present, where land is thus let to the labourer or artizan, he is able to make it pay—small holdings will answer where large ones fail—though his rent is high and his security of tenure small.

(b) That the addition of an allotment will enable him to pay for a better cottage, and to attain to a mode of living and diet now unknown to him.

(c) That even if, in bad times, the rents were not fully paid, the general benefit to the community resulting from the improved condition of the working classes, would outweigh the loss to the rates.

16.—(a) (By some.) That it would be the first great step towards the creation of a class of peasant proprietors, which constitutes the backbone of every country where it exists. The holders of allotments would be enabled, and have an incentive, to save money.

(b) That though the peasant proprietors abroad live hard and frugal lives, it is from preference and not from necessity.

On the other hand, it is contended:—

1.—That the Local Authorities already possess ample powers of supplying any legitimate and genuine demand for cottages and gardens.

2.—(a) That while the State has a perfect right, for public purposes, and for the general good, to acquire land compulsorily—so long as it pays the full value—this power should be exercised only with great caution, and certainly should not be exercised for the sake merely of a few individuals.

(b) That those who would benefit from the proposal would be merely those few who were fortunate enough to

obtain dwellings and allotments, which they would obtain at the expense of the landowner and of the general community.

3.—(a) That the general community would not benefit, but would be injured by the scheme. Public confidence in the “rights of property” would be seriously shaken, and thus, instead of increasing, it would tend to diminish wealth, by weakening the incentives to accumulation, and the means of profitable employment of capital. The first to suffer from this state of things would be the classes whom it is proposed to benefit, for they depend on employment.

(b) That the landowners would suffer much from the confiscation of property which would take place. The “fair price” which would be given by the arbitrators would never equal the real value which the landowner could obtain by holding on to his land, or by taking advantage of a favourable moment. The price given would not cover the loss which would ensue from the deterioration in value of the whole estate, caused by the arbitrary seizure of certain portions of it—perhaps the most valuable portions—for the erection of cottages or the formation of allotments.

4.—(a) That it is for the benefit of the nation, as well as of the individual, that “freedom of contract,” “rights of property,” the principles of political economy, the law of supply and demand, should be fully respected; the scheme would run counter to them all.

(b) That, by creating a feeling of insecurity in the possession of land, it would diminish the desire of possession: while it would take from the farmer the confidence he now feels in investing his capital and labour in the cultivation of the soil.

5.—That no legislation can possibly prevent the

enormous inequalities of wealth which will always exist in the world; vexatious legislation can easily diminish, without in any way diffusing, the total wealth of the community.

6.—That a certain amount of labour would be irrevocably fixed on the soil, in a particular place, irrespective of varying needs and fluctuating local demands, and the labourer himself would be hindered from freely migrating to wherever he could best obtain work and wages.

7.—(a) That experience has shown that labourers and artisans do not want, and cannot afford, to rent allotments or good dwellings. Such experiments as have been made in that direction have mostly failed.

(b) That where the farmer, who has capital and intelligence, now fails, the working man certainly would not succeed in earning enough to pay a fair rent for, and to keep up a cottage and allotment. At present, as a rule, the rent of the cottage is nominal; to make them a pecuniary success, the rents would have to be raised to a point prohibitive to the ordinary labourer.

(c) That land cannot be profitably bought to be let in cottages and allotments; and more especially would this be the case where the purchaser was an uneconomical and routine-ridden public body. A labourer, if he undertook to pay the rent which must be demanded in order to save a loss, would soon fall into arrears; there would be nothing to prevent his exhausting the holding, and there would be great difficulty in forcing payment of the rent, or in evicting him if in arrears.

(d) That, thus, the cost of the scheme to the rates would be very considerable; and a few would be subsidised at the expense of the many.

8.—(a) That it would constitute an interference with the labour market, and affect the rate of wages. Wages would

not rise, while the labourer would be called upon to pay an increased rent for his cottage and allotment, his low rent being at present "considered" in his wages.

(b) That the farmers, and other employers, would not be able to afford to pay as high wages as before to those who would now be giving much of their time and energy to their own land.

9.—(a) That, on the whole, the landowners have dealt very well with the labourers.

(b) That the lot of the labourer was never better than it is now.

10.—That public expectations would be raised which could not be fulfilled; and there would be much disappointment and irritation.

11.—That the diminution of population in the agricultural districts is due, not to the action of the land laws, but to the introduction of machinery, to the extension of pasturage, and to the disastrous depression in agriculture, consequent on the abolition of the Corn Laws.

12.—(a) That, on the part of the Local Authority, there would be great temptation to jobbery and political corruption, both in the purchase of land, &c., and in the selection of tenants.

(b) That it would place enormous power in the hands of the Local Authority to injure or annoy any particular landlord, against whom there might be a personal or public prejudice; while the power would be also wielded for purposes other than the legitimate one of acquiring necessary land.

13.—(a) That the Local Authority would become itself a landlord; and a corporate body is always, and is bound to be, much stricter in its dealings with its tenant than the ordinary landlord.

(b) That it would have very great difficulty in deciding

between the respective demands of rival claimants to cottages and allotments.

14.—That, with security of tenure and fair rents, the right of free sale of the tenant's interest would gradually spring up, and the Local Authority would soon lose all control over the disposal of the allotments.

15.—That if men are to be set up in one form of business by the State, at the expense of the community, the demand will be raised to extend this privilege to others.

16.—(a) That experimental legislation, such as this, would probably do more harm than good.

(b) That the interference of the State would discourage voluntary effort, and thus, in the end, less and not more will be accomplished in the desired direction.

17. (The “laissez faire” argument.)—That, at present, there is altogether too much legislation and demand for legislation. Things are better done by voluntary means and voluntary agencies, by bringing public opinion to bear, than by hasty legislation.

## LEASEHOLD ENFRANCHISEMENT.\*

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It is proposed that the urban leaseholder, holding a lease of which twenty years† are still unexpired (or ‘for lives’), should have the power of purchasing the freehold of his house at a fair price ; or, at his option, pay a perpetual rent-charge in lieu thereof. The price, in case of dispute, to be decided by the County Court. The purchase, or perpetuity, for the unexpired term of the lease, to be subject to any covenants or restrictions contained in the lease, except in regard to structural alterations.

This proposal is upheld on the grounds :—

1.—(a) That as property—especially landed property—is held more or less at the convenience of the community at large, the State has always a right to lay down and to vary the terms on which it shall be held.

\* In connection with this subject, the reader is recommended to refer to the First Report of the Royal Commission on the Housing of the Working Classes, 1885, especially to pp. 11, 22, and 59 ; to the evidence given before the Town Holdings Committee 1887 and 1888 ; to *Leasehold Enfranchisement*, by Mr. H. Broadhurst, M.P., and Mr. R. T. Reid, M.P., and to the reply under the same title by Mr. Arthur Underhill. See also the section on “Allotments Extension.”

† Many persons would desire to see the powers extended to all *bonâ fide* tenants holding leases of a year or longer.

(b) That the State, as representing the community at large, has a right, for the general benefit, to interfere with the monopoly of a few individuals.

2.—(a) That it would not be an interference with true “freedom of contract,” but with a monopoly. Freedom of contract cannot exist where, as in this case, the two parties are not on terms of equality. In the case of land used for residential purposes, especially in certain parts of London and in other large towns, the monopoly is almost absolute; the householder has practically no choice of locality, and the freeholder can exact his own terms. This monopoly must become ever greater as population increases in every centre of trade, industry, and fashion.

(b) That even where freedom of contract does exist, it can be over-ridden on grounds of public policy; and there are, in every department of life, many precedents for so over-riding it.

(c) That, in the case of railways, artizans’ dwellings, street improvements, &c., compulsory purchase is of every-day occurrence.

(d) That, in the case of copyholds, the State has already stepped in and has enabled any copyholder to enfranchise his land, with or without the assent of the landlord.

3.—(a) That the present absorption of town property in a few hands is unjust and injurious, and constitutes a serious social danger; while, as leases gradually fall in, the anomaly will become more marked, and the danger to property will consequently be increased.

(b) That it is better to accept a moderate measure, tending (without injustice) to the greater sub-division of real property, rather than to postpone reform until the absorption of town property in a few hands has become so unendurable that measures far more revolutionary are inevitable.

4.—That to give power to the leaseholder to purchase the

freehold of his house would involve no confiscation of property, as a fair price would be paid.

5.—(a) That, on the other hand, the existence of the present system of leases subjects the leaseholder to periodic confiscation of property without compensation. The value of the house for which he has paid, and of his improvements (often insisted on by the landlord) is never actually exhausted by the end of the lease.

(b) That, at the end of the lease, the property, however little exhausted, passes absolutely to the landlord, who either enters into possession without compensation to the tenant, or renews the lease at an increased rent.\*

(c) That the landlord, at the end of the term, without having himself meanwhile expended a sixpence on the property, is enabled to charge an increased rent, either because of the actual expenditure of capital by the tenant, or by reason of the natural increase of value (the “unearned increment”) which has taken place, the result of the capital, labour, thrift, enterprise, and rating of the individual and neighbouring occupiers.†

(d) That more especially does confiscation take place in the case of a tradesman who has worked up a business, and to whom removal means loss of connection. As he has no legal means of acquiring his freehold, he is, when his lease falls in, at the mercy of the landlord, who can exact what premium or additional rent he pleases; can, in fact, force him to purchase the goodwill which he has himself created.‡

\* Paid often in the form of a fine or premium.

† See section, *Ground Rents*.

‡ In order to meet the particular point of the absorption by the owner, without compensation, of the occupying tenant's improvements, it is proposed (apart from any question of leasehold enfranchisement) to extend the principle of the Agricultural Holdings Act of 1883 (see p. 228) to Town

6.—(a) That the system of “building leases,” to which the system of leaseholds gives rise, still further aggravates the evil of the monopoly, by placing town dwellers at the mercy of the freeholder and builder; thus enabling these latter to charge exorbitant rents, to absorb the capital of the tenants without compensation, and to impose restrictive and irksome conditions, which totally prevent improvement of the property.

(b) That as the builder has not only to receive a fair interest on his outlay, but also such a return as will replace his capital within a limited number of years, he must charge an enormous rent in order to recoup himself.

7.—(a) That while it is perfectly true that on large properties the system of leaseholds enables the freeholder to deal with and to improve the estate more freely, these advantages are too dearly purchased. The existing system enables him for a fixed period to impose any restrictions he pleases on the use or enjoyment of the property; and thus places large tracts of houses, sometimes whole towns, at the mercy of one man, and gives him an undue power over his fellow citizens.

(b) That the possibility of a general improvement by the freeholder of a particular property at some distant date when all the existing leases shall have fallen in, has practically the effect of postponing any improvements until that time arrives. Continuous improvement by the tenant is sacrificed to an hypothetical general improvement twenty or thirty years hence.

8.—(a) That the conditions usually imposed in building leases are not only irksome to the occupier, but tend in-

Holdings; and to give the tenant, at the end of his lease, a right to compensation for the then value of such *bonâ fide* improvements as he may have made, and which have added to the permanent letting value of the premises.

definitely to delay progress and improvement in town property.

(b) That even where the tenant is prepared to take the risk, all manner of obstacles are thrown in the way of his making improvements. Leave, as a rule, is difficult to obtain, while a deterrent system of fines and fees very frequently prevails.

9.—That there would be no difficulty in providing against such use being made of the purchased house, as would adversely affect the value or comfort of the neighbouring property. The Local Authority, moreover, has power to prevent a man from putting his house to uses likely to cause injury or annoyance to his neighbours.

10.—(a) That the shortness of the usual building lease, and the system whereby the freeholder comes into the whole of the reversionary interest in the house, causes houses to be cheaply and badly built; for they are constructed of a nature not to outlast the term of the lease. Consequently “jerry built” houses are run up, to the injury of the occupier and to the annoyance of the neighbours.

(b) That, similarly, the leaseholder is discouraged from making any repairs or improvements of a permanent nature.

(c) That where it is a condition of the lease that the houses must be substantially built, the additional outlay thereby involved forces the builder to charge largely increased rents; money which ultimately goes into the pockets of the landlord.

11.—(a) That during the “fag end” of a lease the houses necessarily fall into great disrepair, to the injury of the health and comfort of the general community—for the leaseholder will not, and the freeholder cannot, expend money on keeping them in a proper state of repair.

(b) That more particularly is this the case in the poorer and most overcrowded quarters of London. There,

especially, the "fag ends" of leases are bought up by speculative middlemen, who turn tenement houses into lodging houses, overcrowd them, exact the highest rents, and fulfil none of the duties and responsibilities which ought to devolve on the landlord.

(c) That this baneful system of middlemen (to a large extent the creation of the terminable leasehold system), is greatly encouraged by the fact that those houses on an estate, of which the leases first fall in, are usually re-leased for short periods only.

12.—That thus—by causing houses to be ill-built, by preventing them from being kept in a proper state of repair, by preventing old houses from being pulled down and new ones built in their place,—the present system causes great waste of capital, danger to health, overcrowding, and excessive rents.

13.—That, while it ought to be to the direct pecuniary interest of some one person that each house should be well built, and be maintained in a proper condition, there is, under the present system, throughout, a dual (sometimes a treble) and antagonistic, and at some periods a mutually paralysing ownership in the same property.

14.—That the ordinary system of leases has led to the worse evil of "leases for life," which paralyses all the energies of the lessee, and causes stagnation of enterprise; no one is foolish enough to make improvements when the period of their ownership depends merely on the life of another.

15.—(a) That under the existing system the occupier, however anxious he may be to purchase his freehold, has, usually, no chance of being able to do so.

(b) That the prospect of becoming the owner of his home, and the knowledge that such improvements as he

made would be for his own use and benefit, would conduce to industry and thrift in the leaseholder.

16.—(a) That a man can, if need be, borrow more easily and cheaply for the purchase of a freehold than for that of a leasehold house.

(b) That as there would be no compulsion, the tenant would presumably not purchase unless his means permitted him to do so.

(c) That, as now, where freeholds are purchaseable, and as in the case of leasehold houses, societies would be formed to enable working men to purchase their freeholds by the payment of small instalments.

17.—That there would be no interference with short leases or temporary arrangements, or with houses *bonâ fide* used by the owner for his own purposes. But to grant a lease for over twenty years implies that the transaction is not a temporary one, and that the property is being used chiefly as a source of income. There would be no real infringement on the rights of property by the compulsory purchase of the ground rent at a fair price.

18.—That as building land is much more valuable than agricultural land, owners would not refuse to apply suitable plots to building purposes; while further legislation could, if necessary, be introduced to prevent such an abuse of the rights of property.

19.—That the system of terminable leaseholds relieves ground landlords from their due share of local taxation.\*

20.—That the system of leaseholds, by depriving the occupier of all feeling of ownership, minimises his interest in local affairs, and in his citizenship.

21.—(a) That the leasehold system is of comparatively modern date.

\* See section, *Ground Rents*.

(b) That the system is confined to certain districts only in England.

(c) That throughout the greater part of the Continent, and the United States, the system of leasehold tenancy does not exist.

22.—That, unless the proposal be made retrospective, the evils of the leasehold system will continue unabated during the period of the existing leases—50, 60, or 70 years.

23.—That the adoption of the principle of leasehold enfranchisement would not stand in the way of the municipalisation of land (or of the “unearned increment”); indeed, it would be the thin end of the wedge into the existing monopolist system.

On the other hand it is contended:—

1.—That the proposal would involve a gross interference with the rights of property.

2.—(a) That it is very inexpedient that Parliament should interfere with the ordinary operations of trade; and, unless under very exceptional circumstances, no interference with “freedom of contract” should be permitted.

(b) That there is no monopoly involved. The householder is at liberty to live where he likes, and the contract into which he enters is but a fair market transaction.

3.—(a) That State interference with the rights of property must only be in the interests of the general community. In this case, the State would be interfering with the rights of certain individuals in order to benefit, not the community at large, but merely certain other individuals.

(b) That thus would be created a very dangerous precedent for subsequent spoliation of property.

4.—(a) That the adoption of the proposal would injuriously affect national and local prosperity and improve-

ment, by placing restrictions on the free exercise, development, and investment of capital.

(*b*) That, moreover, it would induce freeholders to limit their leases to under twenty years, and would thus seriously aggravate, and in no way alleviate, the evils of the leasehold system. Yet, if the plan were applied to all leases however short, it would put an end to many of the most necessary and convenient operations of trade and social life.

5.—That the interests of the landlord in the case of a copyhold and of a freehold property are totally distinct. In the former case, a simple pecuniary interest alone is involved, and permissive redemption is legitimate enough.

6.—(*a*) That if the State interferes with the rights of property, it must take care that full compensation be given to the individual who is expropriated.

(*b*) That, in other cases of legislatively compulsory sale, a considerable bonus is allowed, in addition to the market value. Under the proposal now made, no such bonus is to be given—the price is to be that which a willing seller would accept from a willing buyer.

7.—(*a*) That, in estimating the price, the prospective value of the freehold, which represents much to the freeholder, but of which the actual market price is small, would not and could not be adequately taken into account by the arbitrators.

(*b*) That the freeholder receives for very many years but a small fixed annual sum, and is deprived of any share in the “unearned increment” of his property. It is but just, therefore, that he should ultimately benefit from the improved value of his own estate.

8.—(*a*) That improvements made by the owner to the whole property (streets, roads, open spaces, and general improvement of the neighbourhood) would not be adequately

taken into account in estimating the value of a particular house.

(b) That, moreover, the general value of the estate would be seriously deteriorated by the purchase of some plots and not of others ; while the freeholder would probably be left with the least valuable and saleable portions of the estate on his hands. The loss occasioned by "severance" would not be susceptible of valuation in the case of individual houses, and no compensation would be given, though to the freeholder the loss would be very serious.

(c) That, further, a tenant, after purchasing, might proceed to apply his premises to some trade which would injuriously affect the value of the surrounding houses ; or he might purchase with a view of forcing the freeholder, under threat of turning the house to some obnoxious purpose, to re-purchase at an exorbitant price.

9.—That the purchaser, and each purchaser, having power to buy at any time during the long period of the duration of his lease, would choose his own moment, and take advantage of a time of low prices to purchase his freehold cheaply ; the seller would have no corresponding advantage.

10.—That the purchase being carried out piece-meal, the owner would be subject to repeated trouble, annoyance, and expense in the settlement of each case.

11.—(a) That it would force the owner to produce and prove his title, to reveal his debts and encumbrances, and might thus do him serious injury ; while, after all, the lessee might not proceed with the purchase.

(b) That every enfranchisement would lead to costly litigation.

12.—That thus, in manifold ways, the freeholder would be seriously injured ; part of his property would be trans-

ferred to the lessee, he would not receive full compensation for his loss, and the rights of property would be infringed.

13.—That if fair and full compensation were granted, the tenant would be no better off than before ; the benefit he looks to is to be obtained only at the expense of the freeholder.

14.—(a) That, under the existing system, the tenant purchases or leases his house on much less onerous terms, in consequence of its being a wasting property, than would otherwise be the case. There is thus no confiscation of the property of the leaseholder.

(b) That where improvements are made by the tenant, he makes them with the full knowledge that his right in them will expire with his lease.

15.—That few tenants would be able to raise the necessary capital for the purchase of the freehold ; or, if able to do so, they would, in many cases, be so crippled that they would be unable to effect necessary or advantageous improvements.

16.—That, as a matter of fact, unless a readjustment of ground-rents were first made, any system of assessing compensation on the value of a particular ground-rent would be grossly unjust, for, in many cases, it would afford no true criterion of the value of the lessee's interest, the ground-rents, on large properties, being, as a rule, arbitrarily divided among the lots.\*

17.—(a) That, at the best, the class of house-landlords would not disappear ; the place of the large freeholders would be taken by small freeholders.

\* " The reason for this apparently eccentric procedure is as follows :—The practice is to secure the total rent payable to the landowner as early as possible, by apportioning comparatively high rents to the houses first built ; the consequence of course being that, as the agreement is gradually worked out, very low or even nominal ground-rents are reserved in the leases of the houses last built ; and thus two identical houses on the same estate are often subject to widely different ground-rents."—Underhill, *Leasehold Enfranchisement*, p. 39.

(b) That the large freeholder is, as a rule, more generous and far-sighted than the small; more amenable to public opinion, and more able and willing to undertake general improvements.

18.—(a) That, the public improvements now undertaken initially, or when the estate again falls into the hands of the owner, and which benefit the property, and the neighbourhood, without any cost to the rates,—such as making roads, setting back fronts, structural improvements, giving land for schools and churches, &c., &c.,—would be discouraged or prevented.

(b) That the power to deal as a whole with an urban estate on the termination of the leases, is often absolutely essential to dealing with it at all to advantage. The sale of the freeholds of a few detached houses would render it absolutely impossible to carry out plans for rebuilding or improving, which would be not only to the profit of the freeholder, but to the benefit of the whole neighbourhood.

19.—(a) That the restrictions on use imposed on leasehold houses, on well managed estates, are to the advantage of the whole of the tenants. They give absolute security to each tenant that he will not be injured or annoyed by his neighbours.

(b) That restrictions on use could not be imposed indefinitely; and, if imposed only for a limited time, they would be but a temporary safeguard. At present, the tenants and the freeholder are protected from a nuisance by the full control which the latter possesses over his own property; a portion of the freehold of the estate once passed out of his hands, his power would be gone.

(c) That, at present, public-houses are often suppressed as the leases fall in; under the proposed system, the brewers, who are usually the actual lessees, would buy up the freehold, and thus perpetuate the nuisance.

20.—That thus important benefits would be lost to the community for the benefit of a comparatively limited number of individuals.

21.—(a) That flimsy buildings and scamped work are unknown on large freehold properties, substantial buildings are there insisted on.

(b) That the builder is not only bound, under contract with the freeholder, to erect substantial dwellings, and, under Buildings Acts and local statutes, to make them safe and sanitary, but he must erect good houses in order to be able to sell them.

(c) That, as a rule, the houses on leasehold estates are pulled down and replaced by better and more modern buildings, long before they become in the least uninhabitable. The system ensures complete periodic renovation.

(d) That the individual freeholder would, as a rule, neither be in a position, nor would he desire, to pull down and rebuild his house, until forced to do so by efflux of time; and, thus, the existence of old houses which ought to be pulled down is prolonged.

22.—(a) That as the landlord can insist on the tenant keeping the property in repair, a freeholder in reversion is much more likely to take care that the property is kept in proper repair, than is a freeholder in possession who will have himself to pay for any repairs.

(b) That, as a matter of fact, leasehold property is, as a rule, in a much better state of repair than small freehold property.

(c) That, in American cities, where small freeholders abound, there is as much poverty, overcrowding, and wretchedness as in the large towns of England; proving that the existence of leaseholds is not the cause of the evil.

23.—(a) That the worst cases of insanitary, overcrowded, and uninhabitable tenements exist in the case of those

houses which, being let on short terms only, would not be affected by a system of leasehold enfranchisement.

(b) That it is the working classes who suffer most from the system of leaseholds. But they, being for the most part merely weekly or monthly tenants, would in no way benefit from the proposed change.

(c) That they would, on the contrary, suffer special injury, inasmuch as the system of farming tenements and turning them into lodging houses, provides a larger amount of accommodation at a cheaper rate than would otherwise be the case. And, whereas they now often combine to form building clubs, in order to erect a block of houses on long leases, the change, by preventing long leases, and the carrying out of comprehensive building schemes, would prevent this; and they could not afford to buy their freeholds.

24.—(a) That, instead of diminishing, the change would aggravate the evils of high rents and overcrowding, for rich owners would not be so anxious to build, and, in many cases, would altogether refuse to let their land on building leases.

(b) That even if the proposed reform tended to the extinction of a particular class of middleman, they would crop up in a worse form elsewhere. The working-man lessee, especially, would be tempted to sell his reversionary interest in the purchase of the freehold to some speculative middleman.

25.—(a) That leasehold enfranchisement would entirely destroy the present very convenient system of division of labour and risk, under which the freeholder supplies the land, and the builder erects the buildings, develops the property, and re-sells to the leaseholder.

(b) That it would seriously interfere with the power of raising money on the property on reasonable terms, by introducing uncertainty and insecurity.

26.—(a) That a vast number of persons hold ground-rents simply as a secure investment, or have advanced money on them ; and these would suffer, not only from the depreciation in marketable value that would take place, but from the fact that, instead of a perpetual and increasingly valuable security, they would possess an investment repayable, and repayable in driblets, at the option of the leaseholders.

(b) That great difficulty would arise in assessing the comparative claims of mortgages, settlements, &c., charged on freeholds where some tenants purchased and others did not.

27.—That the State would be called upon to advance money on easy (and unremunerative) terms to leaseholders, to enable them to purchase their freeholds.

28.—That in any case the proposal should not be retrospective, for that would be to insert into a bargain advantages, to one side alone, which were not taken into account when the bargain was struck.

29.—(a) (By some.) That leasehold enfranchisement—the acquisition of land by individuals—is contrary to the tendency of the times, and would throw additional obstacles in the way of accomplishing the municipalisation of land.\*

(b) That it is inspired by a narrow spirit of class legislation ; the community at large would be in a worse position than before.

\* See note, p. 291.

## INTOXICATING LIQUOR LAWS.

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SINCE 1552, when the first Licensing Act was passed, a vast amount of legislation has from time to time been promulgated, dealing with the different questions connected with the sale of intoxicating liquors. The aim of this legislation has usually been to restrict and safeguard the trade by checking and regulating its dealings, with a view to diminish drunkenness, and to preserve public order and morality; on the principle, that the State may interfere with a trade in order to keep people out of harm's way, even though that trade does not itself trespass on any individual rights.

As long ago as 1871, Mr. Bruce (Lord Aberdare) introduced a comprehensive measure of reform, which was intended :—To repeal in whole, or in part, forty or fifty Acts of Parliament relating to liquor traffic; to abolish the right of appeal from the decision of the local licensing justices; to enforce greater care in the issue of new licences; to provide that all new licences should be advertised, and submitted to a vote of the ratepayers, a majority of three-fifths to possess the power of vetoing or reducing, but not of increasing, the number proposed; while at the same time it was to be the duty of the licensing justices to prevent the number of public-houses falling below a certain proportion to the population; to cause fresh licences to be disposed of by tender; to determine all existing licences after ten years, when they would

come under the regulations applied to new certificates ; to diminish the hours of opening ; and to increase the severity of punishment for adulteration. This Bill was withdrawn, but was followed, in 1872, by an Act (introduced by Lord Kimberley in the House of Lords), the main provisions of which, as passed, were:—To improve, by strengthening, the licensing boards, without departing widely from the existing system ; to increase and consolidate the police regulations with reference to convictions for illegal acts, and the forfeiture of licences ; and to curtail the hours of opening.

In 1874, Mr. (now Lord) Cross introduced the latest Licensing Act, which modified the Act of 1872 by:—Fixing by statute the hours of opening and closing, instead of leaving them to the discretion of the magistrates ; by extending for half an hour the authorised hours of opening in some towns ; by slight alterations in the police regulations, and the law of adulteration ; and by curtailment of the power of search.

The public revenue derived from the liquor trade amounts to about thirty-three millions annually ; and it is estimated that the annual national expenditure on Intoxicating Liquors amounts to some £140,000,000.

The existing forms of licence in England granted by the Excise are :—

1. Wholesale, to sell beer, wines, and spirits. 2. Retail, which include :—

(1) The licences to sell any description of intoxicating liquor, wholesale and retail, for consumption “on” or “off” the premises. (2) Beer-house licences, to sell for consumption “off” the premises. (3) Ditto, for sale “on” the premises. (4) Wine licences to shop-keepers, for consumption “off,” and to refreshment-house keepers for consumption “on” the premises. (5) Spirit and liqueurs retail licences, for those who have taken out a wholesale

licence. (6) Ditto, retail beer licences. (7) Licences to dealers in table-beer.

“On” licences are granted, in counties, by the local magistrates in Brewsters’ Sessions, their decision to be confirmed by the County Licensing Committee, chosen annually at Quarter Sessions. In boroughs, by the Borough Licensing Committees, to be confirmed by the whole body of Magistrates. Confirmation is not required in the case of “off” licences.

Licences for consumption “on” the premises may be refused by the magistrates at their discretion, without assigning any reason. “Off” licences can only be refused on one of the grounds—that the applicant has failed to produce satisfactory evidence of good character; that the house is a disorderly one; that the applicant has, by his misconduct, forfeited a licence; or that the applicant or the premises are not legally qualified.

In the metropolis, the week-day hours of closing are from 12.30 to 5 A.M. In towns and populous places, from 11 P.M. to 6 A.M.; and, in rural districts, from 10 P.M. to 6 A.M.

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#### RESTRICTIONS ON THE LIQUOR TRADE.\*

Many persons are in favour of imposing considerable further restrictions on the sale of intoxicating liquors, while allowing the existing trade to continue; and would restrict the issue of licences; would shorten the hours of sale; would make the licensing autho-

\* See also *Local Option*.

rities a more popular body; would grant to them a greater power of withdrawing or suspending licences; would increase the penalties against drunkenness; and would make the laws against adulteration more efficient and more stringent, on the grounds:—

1.—That where liberty leads to abuse, it must be restricted.

2.—That far more licences have been issued than are required for the public convenience.

3.—That the present mode of issuing licences is unsatisfactory.

4.—That the ratepayers are entitled to some voice in the issue of licences.

5.—That the supervision of public-houses, and the punishment of offending and disorderly publicans, is not enforced with sufficient stringency.

6.—That the hours during which public-houses are allowed to be opened might be curtailed, without actually interfering with the liberty or material convenience of the public.

7.—That drunkards being a curse, not only to themselves but to others, may without injustice be severely dealt with.

8.—That the laws against adulteration are inefficient, and imperfectly enforced.

At the same time they would consider that any legislation must be based on the principles:—

1.—That the public has a right to be supplied with convenient and respectable places of refreshment.

2.—That all interests which have been recognised and regulated by law, however qualified their nature, or ques-

tionable their character, are entitled to just and fair consideration ; and if injured by an alteration in the law must be fully compensated.

3.—That unjust and unnecessary restrictions or capricious dealings would be injurious, inasmuch as they would tend to drive away respectable men from the trade.

All these proposed restrictions are condemned ; on the one hand, as leading to undue interference on the part of the State, and as difficult to put into execution ; on the other, as an attempt to bolster up and sanction a trade which should not be allowed to exist.

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#### LOCAL OPTION.

The term "Local Option" is now usually defined to mean that the whole licensing powers should be taken out of the hands of the Justices, and placed in the hands of the Town Councils in Boroughs, and of the County Councils in Counties, as directly representative of the inhabitants of the district.

The principle of this proposal was contained in the Local Government Bill of 1888,\* but the compensa-

\* See section on *Local Self-Government*. An abstract Resolution affirming the principle of "Local Option" was carried in the House of Commons in 1880 by 229 votes to 203 ; again in 1881 ; and again in 1883 by 264 to 177. The resolution ran as follows—"That this House is of opinion that a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected, namely, the

tion provisions were so strongly opposed, that the licensing clauses of the Bill were withdrawn.\*

The principle of Local Option is upheld on the grounds:—

1.—That the present licensing system is open to objection, both in its construction and in its working.

2.—(a) That it gives to partial and non-representative persons belonging to one class only, powers which ought to belong to the general community, seeing that all suffer or benefit from their exercise.

(b) That the existing licensing body, not being amenable to public opinion, is greatly influenced by pressure from the publican interest; the magistrates have issued far too many licences, and have not exercised with sufficient stringency the power of cancelling licences for misconduct.

3.—That, even if it be granted that the licensing powers have not been abused, it is not right that such enormous power, affecting so clearly the well-being of the people, should, in these democratic days, be in the hands of a non-representative body.

4.—(a) That the people themselves, in this, as in other things, best understand their own wants and wishes.

(b) That as the question of the liquor trade is of vital importance to the inhabitants of each locality, they ought to have full control over the issue and renewal of licences, so that these may be regulated according to their wants, sentiments, and desires.

5.—(a) That, more especially in the case of a trade so pernicious as the liquor trade, they ought, through their

inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of Local Option."

\* See also *Permissive Bill* and *Compensation*.

representative local authority, to have full power of protecting themselves if they so desire.

(b) That the liquor traffic legally exists for the sake of the people, it ought therefore to be under their full control.

6.—That there are at present far too many licensed houses in existence, and public opinion, if allowed expression, would be in favour of their reduction.

7.—That each representative local authority has already large powers of dealing with matters affecting local interests, and there would be nothing novel nor dangerous in conceding to them the further power of licensing.

8.—That the principle of consulting local opinion in the matter of licensing is already conceded, from the fact that the publican, before applying for a licence, has to give public notice in the locality.

9.—That, in many parts of England, individual land-owners have exercised their authority, derived from the ownership of the soil, to limit the number of, or altogether to prohibit, public-houses on the estate. That which an individual can do for the satisfaction of his own wish should be in the power of each locality to carry out for the benefit of the general community.

10.—(a) That this popular control should be exercised by the ordinary representative Local Authority—the Town Council in boroughs, the County Council in Counties—and not by a special body elected *ad hoc*.

(b) That the question of licensing would be thus more moderately, judicially and sensibly considered, the election would be more orderly and less bitter, than if directed to one special object only.

(c) That thus progress would be steadily made, and there would be no fear of a reaction in public opinion.

11.—That the question of compensation is one for

future discussion, and does not affect the principle of the justice and enforcing of local control over the liquor traffic.

On the other hand, the principle of "Local Option" is opposed on the grounds:—\*

1.—That, on the whole, the existing system works well; the licensing laws have been admirably administered by able and impartial tribunals, sufficiently subject to popular opinion and to popular criticism.

2.—That to hand over these powers to a local authority, would lead to the arbitrary extinction of very many public-houses, to the vexation of the legitimate consumer, and to the infringement of public liberty.

3.—(a) That to hand the licensing powers over to popularly-elected bodies, would be to import into the municipal elections a most undesirable element of contention.

(b) That the elections, instead of turning on the merits or demerits of the different candidates in regard to their administrative capabilities, would turn entirely on the liquor question.

4.—(a) That the transference of the licensing powers to the Local Authority would give them an interest in a trade which is injurious and demoralizing.

(b) That, if compensation had to be given on extinction of licence, or if the extra local taxation of the trade were allowed, it would be to the interest of the Local Authority to allow the drink trade to continue undiminished.

5.—That the question of compensation is vital, and, until this is settled on a just basis, it would be grossly unfair to hand over the liquor interest to the uncontrolled authority of the ratepayers.

\* See also the arguments against the Permissive Bill, and the section on *Compensation*.

## PERMISSIVE BILL.\*

Many persons consider that the principle of "Local Option" does not go far enough in the direction of popular control over, and veto on the liquor traffic; and would desire to give the ratepayers the power, by a direct vote, of prohibiting altogether the sale of any intoxicating liquor in their district, or of fixing the maximum number of licences that should be issued.

The vote of the majority (a two-thirds majority is usually proposed), whether it sanctioned, prohibited, or limited the sale of intoxicating liquors in the district, would be binding for a definite number of years; at the end of that time the policy adopted could, by another vote, be either reversed or confirmed for a further period.

The principle of the "Permissive Prohibitory Liquor Bill" is upheld on the grounds:—†

1.—(a) That "whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity and premature death, whereby, not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public

\* In 1879 the Permissive Bill was withdrawn in favour of "Local Option;" but, of late, the principle of "direct veto" has been revived. See *Local Option*, by W. S. Caine, M.P., Wm. Hoyle, and Rev. Dawson Burns (Imperial Parliament Series).

† See also the arguments already used in the previous sections.

rates and taxes are greatly augmented,"\* the prohibition of its sale would be an unmixed good to the pockets, bodies, and souls of the people.

(b) That ninety per cent. of all crimes are the result of drink. It is intoxication that fills the gaols and workhouses; and that brings misery, destitution, and crime into thousands of homes.

2.—That as the common sale does unmixed harm, no consideration of public revenue, nor regard for vested interests, can justly be urged in opposition to its suppression.

3.—That the public income would not suffer from the extinction of the liquor trade; the people, relieved from its thralldom, and from the waste and loss which it caused, would be better able to contribute to the revenue.

4.—(a) (By some.) That it is impossible satisfactorily to regulate the sale of alcoholic beverages; and, unless extinguished, its evils will continue unabated. State interference (though it may have slightly improved public order) has so far been powerless to diminish intemperance.

(b) That every fresh attempt on the part of the State to regulate the trade, gives it legal protection and sanction; raises up further vested interests; and depraves the popular standard of morals.

5.—(a) That this is one of the points on which the relation of the State to its people should be that of a father to his children, not merely guarding their rights, but also keeping temptation out of their way.

(b) That the State should have a sense of moral right, altogether apart from the duty of guarding its subjects from being wronged: it is therefore neither right nor politic of the State to give legal protection and sanction to a demoralising trade.

\* Preamble to Permissive Prohibitory Liquor Bill.

6.—That the drunkard himself will welcome, and may fairly claim, aid in his efforts to avoid temptation.

7.—(a) That suppression is quite compatible with legitimate free trade and rational freedom.

(b) That in the case of a harmful trade like that of intoxicating liquors, the wishes of the many should be allowed to outweigh those of the few.

8.—(a) That as drinking and drunkenness greatly injure the inhabitants of a district (in rates as well as otherwise), it is right and expedient to permit them to interfere for their own protection, by conferring upon them the power to prohibit or to limit the common sale of intoxicating liquors.

(b) That at present they have no voice nor influence in the licensing decisions; the whole power belongs to non-representative persons, and the liquor traffic is forced upon a district against their will.

9.—(a) That direct popular veto will alone be effective. Simply to confer on the ratepayers the right of voting in the election of a body which, among manifold duties, would possess that of controlling the liquor trade, would be either useless or pernicious. Either the liquor question would be sacrificed to other local interests; or, as is more probable, men would be elected on to the Local Body, because of their views on the liquor question, and with no regard to their administrative ability.

(b) That it is to the best interests of Municipal Government that the local elections should be free of the heat and passion that would be imported into them if they turned on the question of licences.

(c) That by a system of local veto (in addition to the possession by the Local Authority of the other licensing powers), would the end be best secured, with least embarrassment and disturbance to other local interests.

10.—(a) That the popular will, on a question such as this,

which goes to the very root of social life, should be expressed directly, and not at second hand through a representative Body, which has to deal with many other questions and interests.

(*b*) That the issue, when raised, should be a direct one, and not be confused or obstructed by the importation of any other question.

11.—(*a*) That the representative bodies, especially in counties, control extensive areas, often including many distinct localities; unless each district possessed the power of popular veto, the liquor trade would, in many cases, still be forced on unwilling populations. It is imperative that each separate district, however small, should be able to enforce its wishes in this important matter, and should be defended against the arbitrary domination of even representative licensing bodies.

(*b*) That though the people themselves could administer the licensing laws only through their representatives, they should be enabled to express a distinct opinion on the question of "licence," "no licence," or "number of licences."

12.—That the principle of a plébiscite—a direct expression of local opinion on a particular point—is already admitted in the case of free libraries, &c. The special vote would be no reflection on the representative body.

13.—(*a*) That no question of tyrannical exercise of authority by a majority arises. Whether the power be exercised by direct veto, or through the Representative Body, the majority rules; but, in the one case, a bare majority could act, while, in the other, a substantial majority is required.

(*b*) That landowners often exercise the complete and unrestricted power of prohibition on their estates.\* A power

\* It was stated in debate on the Welsh Direct Veto Bill (March 18, 1891). that the Duke of Westminster had suppressed 37 out of 48 public houses on his estate.

such as this, possessed and exercised by individuals, should be vested also in the majority of the inhabitants of each district.

14.—That licences being granted for the public good, and not for that of the holder, and annually expiring, the public have a perfect right to decline to renew them without any payment or compensation.\*

15.—(a) That in the United States and in most of our Colonies, the power of prohibition is practically in the hands of the ratepayers.

(b) That in other countries—notably in the State of Maine, U.S.A.—the absolute prohibition of the sale or possession of intoxicating liquors has worked beneficially.

(c) That where total prohibition has been tried on certain estates in England, it has been followed by eminently satisfactory results.

16.—That the question of “bogus clubs” could be, and would be, effectively dealt with.

The principle of the Permissive Bill is opposed on the grounds:—†

1.—(a) That it is in no case the province of the State to withhold men from follies, but only to guard their rights and protect their persons. That as long as the State takes care to punish A., if by his excesses he injures B., it is doing its full duty, and should leave A. alone to ruin himself if he chooses.

(b) That the State would not be merely omitting to

\* See *Compensation*.

† The arguments urged against the principle of the Permissive Bill emanate, on the one hand, from those who object altogether to the idea that the ratepayers should have a controlling voice in the question of licensing, and, on the other, from those who favour the principle of Local Option, as already defined. It is not easy to classify separately these arguments; some, indeed, are used by both classes of opponents; but the reader will easily appreciate for himself the quarter from whence any particular argument has come. See also *Local Option* and *Compensation*.

guard, but would be itself trespassing on the legitimate freedom of the people, in taking a harmless indulgence from Z. because A. finds it hurtful.

2.—(a) That it saps the force and self-reliance of the people for their rulers to do for them that which, by rights, they ought to do individually for themselves.

(b) That such attempts of the State to outstep its true field of work always miss their mark, and do unlooked-for mischief.

(c) That though liberty which leads to abuse may fairly be restrained, the abrogation of all liberty in the matter of drink would be followed by a sweeping reaction—and more harm would in the end be done.

3.—(a) That as the Bill would prohibit the sale only, and not the manufacture, importation, or possession of intoxicating liquors, it is unsound in principle, and likely to prove mischievous or inoperative in practice. It is not consistent for the State to prohibit the sale of an article, while it does not prohibit its manufacture, importation, or possession; either the article is so dangerous to the people that all dealings in it should be prohibited, or it is not sufficiently dangerous for the sale to be forbidden.

(b) That, while professing only to be directed against the sale of liquor, the proposal would indirectly affect the use of all alcoholic beverages, and so would affect the manufacture, importation, and possession of them; and the Legislature, while avowedly injuring one trade only, would injuriously affect others also.

4.—(a) That it would be illogical for the State to allow a trade to be tolerated in one district and to be prohibited in another; the trade is equally harmful or harmless in both. If it be pernicious, the State should prohibit it altogether; prohibition or toleration should not be left to the chance vote of the ratepayers.

(b) That there is no medium possible, it would be either prohibition or excess.

5.—That it would be an improper delegation of the functions of Parliament to give to local bodies the absolute power of toleration or prohibition in this matter. The liquor question is a National not a Local one.

6.—That if the principle is conceded, that the ratepayers in a given district have the right to forbid a trade or calling of which they disapprove (though the trade may be perfectly lawful elsewhere), logically they could claim a right to forbid unpopular places of religious or political resort to be opened—and this could never be conceded. If liberty is sacrificed in the matter of alcohol, it will eventually be sacrificed in more important matters, to the detriment of civil and religious liberty.

7.—(a) That it would be neither just nor expedient that the purchase, and moderate use, of liquor by the majority should be prevented, because there are some who abuse it to their own hurt, or to that of others.

(b) That it would place tyrannical powers in the hands of a majority.

(c) That it would be a gross infringement of the liberty of all for the sake of a few; “it is better for the people to be free than sober.”

(d) That the House of Commons, in the Eastbourne (Salvation) case, established the principle that no locality can veto a minority, however small, out of their just rights, and the common law of the land.\*

8.—That the districts in which restrictions are most needed, would be those least likely to adopt them.

9.—(a) That where one district in which the sale of alcoholic drink had been prohibited, adjoined another where the

\* March 10, 1883, by 269 against 122.

sale was tolerated, the Act would prove inoperative ; there would be no difficulty in obtaining liquor.

(b) That where such escape from the letter of the Act was difficult or impossible, prohibition would lead to the illicit and secret sale and consumption of liquor ; abroad, where prohibition has been attempted, the prohibitive laws are largely evaded.

(c) That bogus clubs would take the place of public-houses ; and clubs are much more difficult to deal with or supervise.

10.—(a) That, if the principle of local option be adopted, the inhabitants will, through their representative body, possess as full and complete a control of the liquor trade as they can fairly desire.

(b) That it will always be in the power of the temperance party to convert the electors, electing the Local Authority, to the belief that the trade should be suppressed.

11.—(a) That under the system of a plébiscite ad hoc, the popular will would only be able to act by a mass vote ; a system entirely subversive of, and contrary to, the principles of representative Government on which the Constitution is based, under which the electors choose out certain trusted persons to look after and protect their interests.

(b) That the proper tribunal for carrying out the popular will, is a representative body, not the ratepayers themselves. Thus alone the question at issue will be properly considered in all its bearings.

(c) That it is illogical that the franchise under which prohibition is to be carried out, should be household and not manhood. In America, where prohibition is allowed, the suffrage is manhood.

12.—That to give this especial power to a specially elected body would be still further to increase the number of the local bodies ; already too much subdivided.

13.—That ceaseless agitation and strife would result from the (absolutely indispensable) provision that the adoption of the law should be periodically subject to revision by the votes of the ratepayers.

14.—(a) That the institution of a plébiscite would necessarily combine together, in resistance to prohibition, the moderate drinkers and the drunkards, to the moral deterioration of the former.

(b) That instead of gradual improvement and diminution of licences, there would be violent fluctuations; a great reaction of public opinion against the temperance cause would take place because of the intemperateness of its advocates.

(c) That there would be too much or too little action taken. If the majority voted negatively, nothing in the way of restriction of licences would take place. If the majority voted affirmatively, all the public-houses would be closed.

15.—(a) That to be subject to a hasty or passionate vote of the ratepayers would mean absolute ruin to the trade.

(b) That, tenure being less secure, and liable to constant fluctuations, through a change in public opinion, the trade would be unsettled, and would be given a more speculative character, and thus respectable men would be deterred from entering the trade.

16.—(a) That all vested interests which have been allowed to grow up in a trade must be protected, and if injured by the action of the State, must receive proper compensation.

(b) And that the amount of capital which has been embarked in the liquor trade is so enormous, that it would be imprudent and impracticable for the State to reimburse it.

17.—That after public-houses had been suppressed, and compensation paid, a change in the wishes of the ratepayers might re-open fresh houses, and raise up fresh vested interests, again to be compensated if suppressed.

18.—That drunkenness is gradually confining itself to the lowest classes, and will ultimately almost completely disappear; there is therefore no need for drastic measures, from which unforeseen evils may arise; it is best to leave the reform to be brought about by public opinion.

19.—That the restrictions proposed would be especially unfair on the working man, inasmuch as the public-house is his only place of social resort; while he is unable, like the wealthier classes, to lay in any store of intoxicating liquor.

20.—That neither the State nor the taxpayer could afford to lose the revenue at present derived from the liquor trade.

#### “COMPENSATION.”

If the principle of Local Option or Local Veto be conceded, the further question arises whether the publican is entitled to claim Compensation from the representative Local Authority, in case the renewal of his licence is refused, not for any misconduct on his part, but from the desire to reduce the number of public-houses.

It is alleged that, under these circumstances, the publican would be legally entitled to compensation; and that, before the control of the trade is handed over to the Local Authority, arrangements must be made whereby the amount of compensation to be paid in each individual case, shall be left to be decided by agreement between the parties, or, in case of dispute, by some tribunal other than the Authority interested.

Those who take this view argue:—

1.—(a) That the licence, though nominally only issued for one year, practically, by long prescription, attaches to

the house, and is granted to the individual during good behaviour.

(b) That its continuance year after year encourages the legitimate expectation that it will be renewed.

2.—(a) That, even if there be no actual legal estate, the publican has invested his capital, and ordered his whole life, on the strength of a licence in a lawful business; a trade which is under legislative supervision,\* and therefore sanction.

(b) That, apart from the bricks and mortar, the whole value of the business depends on the licence, which gives to the trade its marketable value, clearly proving that in public opinion the licensed victualler has a right to expect the renewal of his licence.†

(c) That no vested interest would be created that does not already exist.

3.—That if a trade is permitted and regulated by law, that trade has a right to be defended by law.

4.—(a) That the House of Commons has, by Resolution, established the principle that equitable compensation must be given, if a reduction (without fault found) in the number of licences takes place.‡

(b) That in assessing the value of the property for Death Duty, the value of the individual interest is assessed on the assumption that the licence will continue to be renewed; a proof that a legally recognised vested interest does exist.§

\* Not only is there police and excise supervision, but the Justices can insist on certain structural alterations in the building before granting a licence.

† Under the Local Taxation Bill of 1890 it was proposed to devote £440,000 a year, part proceeds of an increased duty on spirits and beer, to the purchase of licences. This sum was to be handed over to the County and Borough Councils, and they were to apply the money in buying up public-houses by agreement with the owners. The proposal was withdrawn.

‡ April 28, 1891.

§ See Parliamentary Paper 176 of 1890.

5.—That the publican has, therefore, a vested interest in his licence; which cannot be arbitrarily cancelled without the payment of adequate compensation—to do so would be sheer robbery.

6.—That where vested interests have been allowed to grow up, Parliament—witness the freeing of the slaves, the abolition of Army Purchase, the former an immoral, the latter an illegal, traffic—has always fairly and liberally compensated those interests, when, for the general benefit, it has expropriated them.

7.—That it is only authorising local authorities to do, in the interests of temperance, what they have always been in the habit of doing when property, on which a public-house may be situated, is acquired for public improvements.

8.—That it is nothing to the point that there are many and various interests in the licence. The different interests cannot be in justice distinguished. If compensation is right in itself, it matters not into whose pockets the money may eventually go.

9.—(a) That the estimates given of the probable cost of compensation are absurd. None expect, and few desire, the total extinction of the trade; the extreme temperance party is in a small minority almost everywhere, and would never be able to persuade the majority to such a tyrannical act. Only a small proportion of the public-houses would be closed, and the total amount of money required for compensation would not be great.

(b) That as no future vested interests can arise, compensation cannot be claimed except on the extinction of existing interests.

10.—(By some.) That it would be possible, by a moderate increase of taxation on the remaining publicans, to create a fund whereby, without any burden on the rates, proper

compensation could be provided, from the trade itself, for those publicans whose houses were suppressed.

11.—(a) That limitation of hours, and Sunday closing, when enforced, are applied to the whole trade; the proposal now made would apply to certain individual traders only.

(b) That, moreover, compensation ought to have been given where the trade has been restricted; an injustice then does not justify a greater injustice now.

12.—That the inequality of treatment would be outrageously unjust. Certain individual traders would be deprived of their livelihood, while at the same time their rivals, who remained, would greatly benefit from their disappearance.

13.—(a) That, at the worst, there is a very real and equitable claim to compensation; and the question of compensation cannot be justly left to depend on the chance majority of a particular district at a particular time, or on the popularity or unpopularity of a particular man. Injustice would certainly be done, while the insecurity caused to the trade would be ruinous.

(b) That if the question of compensation were left in the hands of the Local Authority, the elections to that body would turn chiefly on the liquor question; and would give rise to continual local agitation and excitement.

14.—(a) That the necessity of paying compensation would be a valuable check on the indiscriminate or arbitrary closing of public-houses by the local authority.

(b) That a gradual, rather than a sudden reduction of licences, would in the end best benefit the temperance cause, as being less likely to cause a reaction in public opinion.

15.—That unless the principle of equitable compensation be granted, the number of public-houses will never be diminished. The public mind would revolt from bringing

beggary and ruin on innocent persons ; and the Licensing Authority would decline to extinguish licences. Compensation is in the interests of temperance.

On the other hand it is argued :—

1.—(a) That the publican's licence is expressly limited to one year, and has to be annually renewed.

(b) That though spoken of as a “renewal of licence,” there is really no such thing in law; the licence annually expires, and a new one is issued. The continuance of the licence is specifically not guaranteed by statute, and the strict limitation of the term clearly proves that the State has always reserved to itself the right of withdrawing the permission to sell.

(c) That the publican thus possesses no vested interest in his licence beyond the one year. To admit any further legal claim to compensation, would be to convert a one year's lease into a freehold, a speculative and artificial value into a State endowment; would be to give a vested interest in that which had already expired.

2.—(a) That the legal liberty to sell intoxicating drink is not a right common to all citizens, but a privilege confined to a few.

(b) That the privilege is not a property. It is granted, not for the private benefit of the individual, but in the public interest; and is specifically subject to annual revision in the interests of the community.

3.—That the manifold legislation of the past in regard to the liquor trade has been rendered necessary by its dangerous nature. To say that these limiting statutes legalize the trade, is to misconceive the manifest object and intention of the law, which has been to prevent abuse and to limit the sale.

4.—(a) That the value imparted to a public-house by the licence, over and above its value as so much building and so much accommodation, is purely fictitious, and arises from the monopoly derived from the limitation of licences.\* This monopoly, and therefore the fictitious value, could be destroyed, without any claim for compensation arising by an unlimited issue of licences; similarly, no claim for compensation can arise on a further limitation of licences.

(b) That monopolies bar all claim to compensation, since, by the advantage they give to the monopolist, they already confer that which is equivalent to compensation. To demand anything further is to demand that the trader shall have all the profits and take none of the risks of a monopoly.

(c) That such pecuniary benefit as is derived from the monopoly which the limitation of licences causes, properly belongs to the public, and not to the trade.

5.—(a) That the publican has invested his money with his eyes open, on the strength of a licence the renewal of which he knew might at any time be refused.

(b) That it is nothing to the point that an individual may have given an extravagant price for the speculative chance of a continuation of the licence.

6.—That, over and over again, Parliament has reduced the hours of opening; and in Scotland, Ireland, and Wales, has altogether closed public-houses on one day out of the seven; and this, without giving a penny of compensation for the serious loss thereby occasioned to the trade. Limitation can be logically carried up to total prohibition.

\* A typical case was quoted by Mr. Gladstone (Rochdale, May 27th, 1888), in which a public-house which cost, to build, but £2,030, on obtaining its licence, was sold for £16,000.

7.—That the House of Lords, on appeal, has decided that the Licensing Authority has absolute discretion in regard both to the granting of a new, and to the renewal of an old licence; without assigning any reason, and without being liable to pay compensation.\*

8.—That to admit that the publican has a vested interest in his licence, would be at once to add largely to the value of all public-houses; would be to endow and renew a decaying trade, and to place it in a financial position that it never occupied before.

9.—(a) (By some.) That where licences were cancelled, they would be cancelled on the ground that their existence was injurious to the best interests of the community; and, if compensation be due, it must be rather to the public which has suffered, than to the publican who has inflicted the wrong.

(b) That it would be grossly unfair to the taxpayer and to the ratepayer, who have suffered pecuniarily from the existence of the liquor trade, that they should pay compensation to traders who have benefited so much at their expense.

10.—(By some.) That the liquor trade is so injurious to the community that no possible claim to compensation can be justly advanced.

11.—(a) That it would be a farce to grant popular control over the liquor trade, and then to fetter its exercise by insisting at the same time on the legal right of the trade to extravagant compensation.

(b) That the local representative body should certainly not be placed in a worse pecuniary position, or have less absolute power in the matter of the refusal of licences, than the present non-representative licensing authority.

\* Case, *Sharp v. Wakefield*, Court of Queen's Bench (on appeal), April 30th, 1838. Decision confirmed by the House of Lords, March 20th 1891.

12.—(a) That one principal object in handing over the administration of the liquor trade to popular control, is to reduce the number of public-houses. But, if the principle of a vested interest be admitted, no district will be able to afford materially to reduce the liquor traffic in its midst.\*

(b) That, indeed, local control with compulsory compensation would be really less effective in reducing of licences than is the present system. Compulsory compensation would be a fatal check to the promotion of temperance.

13.—(a) That no additional taxation of the remaining publicans could possibly provide the amount of compensation required; if, at all costs, public-houses were closed, the rates will have to bear the charge.

(b) That, in any case, the application of this proposed special taxation to the purposes of compensation would close to the ratepayers a legitimate field of taxation and revenue.

14.—That the withdrawal of one licence would add materially to the value of those left outstanding, and would increase the amount of compensation that would have to be paid for future withdrawals. The Local Body would run up the value of public-houses against itself.

15.—That the public-houses that the Local Authority would primarily desire to extinguish, would be those which were the greatest nuisance to the neighbourhood—just those cases in which the principle of compensation would be the most questionable.

16.—That, in the majority of cases, the publican is a mere caretaker or salaried servant, and the compensation paid would go, not to him, but to the rich brewers and distillers.

\* In England and Wales there are between 60,000 and 70,000 public-houses; and it is estimated that the total value of these public-houses amounts to from £200,000,000 to £250,000,000; an estimate stated, however, by the licensed victuallers to be "exaggerated beyond all possibility."

17.—(a) That the twenty millions paid on the emancipation of the slaves was not given by way of compensation, but was a compassionate loan (afterwards turned into a free gift) in relief of the planters.

(b) That, moreover, the right of the planter in his slaves was permanent, and did not annually expire.

(c) That in regard to army purchase, the right purchased (even if of illegal growth) was the right to pay and pension covering a considerable number of years. Moreover, the compensation was given for money already paid away by the officers, and not for a fictitious value created by competition.

18.—That, doubtless, the respectable publican has an equitable claim to compensation, but he has nothing more. And if the question were left fully in the hands of the Local Authority, it would deal fairly and equitably with the question of compensation, and each case would be decided on its merits. Public opinion would never sanction the injustice of depriving certain publicans of their licences without any compensation, while leaving the others in the enjoyment of an improved business.

19.—That no sudden or widespread closing of public-houses would take place. The publicans would have time to adapt themselves to altered circumstances; and, as it is certain that no additional licences would be granted, their trade would meantime materially be improved.

[Many persons favour the adoption of a middle course whereby a short time limit would be given, during which the licence would be held renewable subject to "good conduct." After the expiration of the fixed period, no claim for compensation would be admitted.]

## GOTHENBURG SYSTEM.

Some still believe that the best way of obtaining the ends in view, would be to adopt (in large towns at all events) the plan which is known under the name of the "Gothenburg System"—though the scheme proposed differs somewhat from that which prevails in Sweden.

This scheme would empower Town Councils in boroughs, and County Councils in Counties, to acquire by agreement, or failing agreement by compulsion, the freehold of all licensed premises within their respective districts, and to purchase the leases, goodwill, stock, and fixtures of the present holders. It would further empower them, if they thought fit, to carry on the liquor trade for the convenience and on behalf of the inhabitants, but so that no individual should have any pecuniary interest in, or derive any profit from, the sale of intoxicating liquors. It would also empower the Town or County Councils to borrow money for these purposes on the security of the rates, and to carry all profits to the alleviation of the rates. The power of the justices to grant licences would cease on the adoption of the scheme.\*

This proposal is supported on the grounds :—

1.—That as full compensation would be given for all interests affected, there would be no "confiscation."

\* See also, for both sides, many of the arguments already given.

2.—That as the local authority would possess absolute control over the issue of licences and the district liquor traffic, each locality could please itself as to the number of its public-houses.

3.—That while the number of public-houses would be greatly diminished, the remainder would improve in respectability, convenience, and management; as the manager would have no direct interest in the sale of the intoxicating liquors, and as refreshments, and non-intoxicating, or less intoxicating liquors, would be sold, the public-houses would gradually assume the character of eating-houses, and of working men's clubs.

4.—That there would therefore be a diminution of intemperance, and a consequent decrease in crime and disorder.

5.—That as no one would benefit from the supply of bad liquor, adulteration would cease.

6.—(a) That the undue influence of the publican at parliamentary and municipal elections would be eliminated.

(b) That if the public-houses were under the control of the municipality, they could, and probably would, be closed on the day of elections—to the promotion of order, quiet, and purity of election.

7.—That the surplus profits would be applied to the relief of the rates; and instead of a few individuals, all the inhabitants of the borough would benefit from the sale of liquor.

8.—That the Local Authority would be sufficiently subject to public control and criticism to prevent any undue multiplication of the number of public-houses, and to ensure economy and efficiency.

9.—That many local authorities are already traders in gas, water, &c., and to transfer to them also the management of the liquor trade would impose on them no novel obligations.

10.—That if a district were willing to take the trouble, and run the risk, of introducing the scheme (since no vested interests would be unfairly dealt with), the State should allow the experiment. If it succeeded, a good example would be given; if it failed, the loss would be local.

11.—That a scheme drawn on somewhat similar lines has greatly diminished drunkenness in Sweden.

12.—That without some more decided action on the part of the State, or of local bodies, intemperance cannot be effectually checked.

The scheme is objected to on the grounds:—

1.—(By the extreme temperance advocates.) That the trade in liquor is universally pernicious, and no half measures can possibly be effectual—it must be totally suppressed.

2.—That, as the liquor trade is demoralising to those who conduct it, it would be highly objectionable to hand the management over to the local authority, and to cast the responsibility of the traffic on the ratepayers as a body.

3.—(a) (By some.) That the temptation of profit and consequent relief to the rates, would induce the local authority unduly to increase the number of public-houses.

(b) (By others.) That the local authority might largely increase or entirely suppress the trade in a particular district, against the wishes of a large number of citizens.

4.—(a) That the enormous preliminary outlay attendant on the acquisition of the property, if anything like a fair price be given, would never permit of any profits being made from a trade conducted by a public body.

(b) That as one object is to diminish drinking, and the temptation to drinking, the profits of necessity will be greatly reduced.

(c) That, thus, instead of lightening, the inevitable trade loss would heavily burden the rates.

5.—That a Town or County Council is a body eminently unfit to conduct so vast a business with economy and care.

6.—That such an attempt would lead to a great deal of jobbery and waste, and undesirable influence at elections.

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#### SUNDAY CLOSING.\*

It is proposed to give to the Local Authority in England—Town Council or County Council—the power of closing, on Sunday, all public-houses within its jurisdiction.† The law in England limits their opening to certain specified hours,‡ while in Scotland, Ireland, and Wales it closes them altogether on Sundays.

The proposal is upheld on the grounds:—

1.—(a) That there is much more drinking, with all its attendant evils, on Sunday than on any other day; and, with the added result, that men often cannot or will not work on the Monday.

(b) That the bulk of the wages are paid on Saturday, and practically the only shop open the next day is the public-

\* Cf. section on "*Local Option*."

† This proposal was contained in the original Local Government Bill of 1888, but the clause was withdrawn, along with the other licensing clauses.

‡ In the Metropolis the hours of opening are fixed from 1 o'clock to 3, and from 6 o'clock to 11 p.m. Elsewhere they are from 12.30 to 2.30 and from 6 to 10 p.m.

house; thus a great and special temptation is placed in the way of the working classes.

(c) That the working classes are entitled to demand that this special temptation shall be removed.

2.—That it is inconsistent and unjust that, while innocent trades are prohibited on Sunday, this most pernicious of all trades should be allowed to be carried on.

3.—That as the State interferes with, and limits the hours of Sunday opening, it might with perfect consistency altogether prohibit opening on Sundays.

4.—(a) That those employed in the sale of drink are entitled to be relieved from Sunday labour, the rather that they work a larger number of hours during the week than the law permits in the case of many other trades.

(b) That the publicans themselves would welcome a compulsory closing; without compulsion, competition compels them to keep open.

5.—That there is no analogy between clubs and public-houses; the latter are distinctly places of drinking resort, which the former are not; nor are clubs more frequented on Sunday than on any other day.

6.—That the question of Sunday closing is particularly a matter in which the locality should have a voice through its duly elected representatives; and Local Option would prevent any hardship being done in any particular locality.

7.—That the Sunday Closing Acts in Scotland, Wales, and Ireland\* have worked well, and have greatly diminished drunkenness on that day.

8.—(By the extreme temperance body.) That the closing on Sunday would not only be a good thing in itself, but would also tend towards further limitations of sale.

\* See Report of Select Committee on the Irish Sunday Closing Acts, 1888. The Irish Sunday Closing Act was passed in 1878, and applies to the whole of Ireland, with the exception of five large towns.

On the other hand, Sunday closing is opposed, on the grounds :—

1.—That the hours of opening on Sunday have already been greatly curtailed; and to close the public-houses altogether would be a gross infringement of the liberty of the subject.

2.—That experience shows that total closing leads to illicit sale and surreptitious consumption of liquor—a process that cannot fail to lower the morality of the population.

3.—That it would lead to increased purchases of liquor on the Saturday for consumption at home on the Sunday; and to excessive drinking on the Monday.

4.—(a) That while the closing of public-houses on Sunday would cause no inconvenience to the richer classes, who have their clubs and their cellars, it would be a great hardship on the working classes to deprive them of their only place of resort and refreshment.

(b) That to carry out the proposal would create an embittered and indignant feeling among a large majority of the public, whose habits and requirements would be materially interfered with.

(c) That it would be class legislation of an objectionable character.

5.—That entirely to close the public-houses would cause extreme inconvenience to travellers.

6.—That to close the public-houses one day in seven would involve a very serious loss to the publican; and could not justly be permitted without proper compensation.

7.—That we already have too much paternal legislation.

8.—That the proposal is an embodiment of teetotal tyranny and Sabbatarian severity, and should therefore be rather resisted than conceded.

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9.—That as the Scotch and Irish chiefly drink whiskey, which can be kept without deterioration, they do not suffer much inconvenience by Sunday closing ; while, in England, where beer is much drunk, a store cannot be laid in without the fear of it spoiling.

10.—(By some.) That Sunday closing in Scotland and Wales, and especially in Ireland, has not diminished drunkenness ; has injuriously affected the temperance movement by the reaction it has caused, and has done more harm than good.

## TAXATION OF GROUND VALUES.\*

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It is proposed to reform the incidence of taxation in the Metropolis and other large towns, by requiring some direct contribution towards local expenditure from the "owners" of the ground values as well as from the "occupiers."

The "owner" may be defined as the person or persons (and usually more than one) who derive emoluments from property, other than that derived from mere occupation; generally a receiver of rent.† The "ground value" may be defined as that portion of the value of the property—land and house together

\* The following authorities are worth consulting for these sections :—Lord Hobhouse's *Local Taxation of Rents in London*, Sir T. Farrer's *Mr. Goschen's Finance*, Mr. Fletcher Moulton's *The Taxation of Ground Values*, Sergeant's *Ground Rents*, Mr. Sidney Webb's *London Programme*, Mr. Goschen's *Local Taxation* (1872); Report of Select Committee of 1866 and 1870; Reports Town Holdings Committee; Local Government Board Reports; Report of Land Valuation Committee (June, 1889); and of Local Government and Taxation Committee London County Council, especially that of June 26, 1891. Debates House of Commons, especially that of March 13, 1891, etc.

† The "owner," it must be clearly understood, is by no means merely the ultimate reversionist or freeholder. If a freeholder lives in his own house he receives all the emoluments of ownership, and is at once owner and occupier. If the property be let or sublet, there will be two or more owners of it as distinct from the occupier; and the actual freeholder, if the lease be a long one, may have a very small present interest in the property.

—over and above the actual labour and capital expended on the property, and which is due to the existence, the industry, and the expenditure of the adjacent population.

It is proposed to arrive at the desired result in several ways, not necessarily supported by the same persons.

- 1.—By dividing the rates between Landlord and Occupier.
- 2.—By a separate assessment of the value of the Building and of the Land, and the imposition of a higher proportionate rate on the latter value.
- 3.—By the taxation of Reversionists.
- 4.—By the rating of Vacant Lands.
- 5.—By a Municipal Death Duty on realty.
- 6.—By the introduction of the principle of "Betterment."\*

The general principle of the direct taxation of "Ground Values" is supported on the grounds:—

- 1.—(a) That, at present, the owners of land and of rent in urban districts escape direct payment of rates.

\* *Municipal Acquisition of "Unearned Increment."*—Some would go still further, and would endeavour, if possible, to intercept and to keep for the Community any further "unearned increment" in land that may accrue. With this object in view, a Bill has been introduced by Mr. Haldane—"backed" by Messrs. Asquith, Grey, Buxton, A. Acland, and Munro-Ferguson. The Bill gives power to any Town or County Council, if they think it would be for the interest of the inhabitants of any district within their area, to purchase any land at any time they think fit, at "a fair market price, together with a further sum as compensation for disturbance, and in respect of any damage by severance or otherwise."

Further, and this is the pith of the Bill, it gives the same Authorities the power to have any land valued "with a view to the subsequent purchase thereof." The estimate of the value of the land is to be based on the "fair market value thereof at the time of valuation," without any additional allow-

(b) That, apart from contract, the law throws all rates on the occupier.\*

(c) That the custom as regards contracts, is specifically to provide that the whole of the rates shall be paid by the occupier.

2.—(a) That often a very large proportion of the rates go to improve the value of the property of the owner, and not that of the occupier.

(b) That, all rates, in a greater or lesser degree, benefit all the successive interests in the land. Even the most ephemeral (for lighting, cleaning, etc.), and certainly the more permanent rates (for police, poor, education, etc.), help, not only to create and to increase, but are essential to maintain, the value of the property. If rates ceased to be levied, the value of property would disappear.

ance whatever. The particulars of the valuation are to be registered; and the Local Authority, at whose instance the valuation has been made, may, at any time within twenty years, purchase the land or any part thereof. The price to be paid for the lands to the owner shall be "the fair market value of the lands at the time of the purchase thereof, after deducting the proportion of any increase of that value over and above the valuation, which may be ascertained to be the special increment due to the increase or movement of the population in, or to the industrial or other development of any town or other populous place in the neighbourhood of such lands, and not due to any improvements or acts of management executed or done by the owner or any former owner of such lands at any time previous to the purchase thereof under this Act; together with a further sum as compensation for disturbance, and in respect of any damage, by severance or otherwise, caused by such purchase to any lands held together with the lands purchased. Provided that such further sum shall only be payable if and in so far as damage is actually sustained." To the Local Government Board is given the power of dismissing the "petition" of the Town or County Council, if the Department is satisfied that the proposed purchase, under either part of the Bill, is not for the interest of the inhabitants of the district; or, in order to enable the Local Government Board to arrive at a just conclusion, they may direct a local enquiry to be held. This Bill was discussed in, and rejected (223 to 148) by the House of Commons on May 4, 1892.

\* There is an exception in the case of the main drainage (sewage) rate, and in that of rates on houses assessed at less than £20, but these exceptions can be over-riden by private contract.

3.—That, it is just, that the owners, who benefit so largely by the existence and industry of the population, should contribute a fair share of the expenditure necessitated by its presence on the land.

4.—(a) That, more especially is this the case in regard to Municipal expenditure on permanent improvements which add to the permanent value of land. The whole of the debt incurred for these purposes is repaid within a limited period,\* and the reversioner obtains the whole of the ultimate benefit without having incurred any of the burden.

(b) That the main part of the Metropolitan debt† has been incurred for permanent improvements. The value of these permanent improvements, and their effect in enhancing the value of property in London, does not diminish but tends ever to increase.‡

5.—That, thus, in the main, the burden of the communal expenditure falls on the occupier, and the benefits, in the main, go to the owner;§ whereas, the burden should be proportioned to the benefit.

6.—(a) That the necessity of a juster incidence of local taxation is becoming ever more urgent; inasmuch as, of

\* Fifty or sixty years.

† The outstanding London County Council debt is about £30,000,000 sterling. Ten millions of loans have been repaid—a total capital expenditure of £40,000,000. By 1931, four-fifths of the present debt will have been repaid. Nearly the whole of this has been incurred in the years since 1851, a period of 80 years over which a vast number of leases will run. The Metropolitan rate has risen from 2*d.* in 1856 to nearly 1*s.* 2*d.* in 1890.

‡ Such improvements, as for instance, Thames Embankment, Holborn Viaduct, Shaftesbury Avenue, Northumberland Avenue, widening streets, freeing bridges, never “waste,” but continue to appreciate in value.

§ For instance, in the case of a house rated at £100 a year for which the occupying tenant pays a ground rent of £30, taxes on the whole £100 are paid by him, though his beneficial interest only amounts to £70 a year. Thus the whole local taxation, and increase of taxation, is borne by a portion only of the property.

late years, Municipal expenditure has greatly increased the amount and aggravated the burden of the rates.\*

(b) That this increased expenditure is not only due to the necessities caused by the current needs of increased population; but is due also to the fact that new communal wants, necessities, and even luxuries, have arisen, for which provision has to be made out of communal expenditure.

(c) That the tendency of the times is towards increased local expenditure for public (and chiefly permanent) objects—on improvements, housing, sanitation, open spaces, free libraries, baths, wash-houses, education, etc.; much of it actually forced on the locality by Parliament.

7.—(a) That when the bulk of the existing leasehold bargains were made, it was not, and could not, be foreseen, that the rates would be increased so rapidly and for so many new objects.†

(b) That the result has been far more burdensome on the occupier, and far more advantageous to the owner, than was intended or anticipated by either party to the original bargain. The property of the owner has been appreciated by the forced payment of the occupier, in a way and to a degree that did not, and could not, have entered into the calculations of the parties.

\* From an interesting Return of the Vestry of St. George's, Hanover Square, published by the London County Council in their "Local Government and Taxation Committee's Report" (May 1891), we find that in that Parish the total rate has increased pretty steadily from 2s. 5d. in 1858 (lowest 2s. 4d. in 1860), to 4s. 6d. in 1889: the assessment from £755,000 to £1,760,000; the amount of rate levied from £88,400 to £381,000. The Metropolitan Board of Works precepts were £15,000 in 1871 (the first year for which there are separate returns), and £61,300 in 1888; the School Board precepts in 1888 were £58,000.

† "We are higher taxed. Within the last eighteen months there has been added to the Lighting, Pavement and Improvement Rate 10s. yearly, to the Poor Rate £1, to the Sewer Rate 10s.," and this on Rates that before amounted in all to some £6 to £7. (Mrs. Carlisle's "Budget of a Femme Incomprise," Feb. 12, 1858.)

(c) That, to whatever extent the rates then existing were considered at the time the bargain was made, every addition to the rates, whether foreseen or no, and certainly if not foreseen, has fallen exclusively on the occupier.

8.—That each new social demand creates a new charge; each fresh rate, or increase in an old one, and every new contract, constitutes a new impediment to dealing fairly with the subject.

9.—That, apart from the rates, the natural growth of the town, the development of the neighbourhood, the increasing wants and the extended industry of a growing population, are ever rapidly appreciating the value of land in large towns, and especially in the Metropolis; and this without any effort or expenditure on the part of the owners.\*

10.—That, more especially is this the case with the freeholder. He comes into the reversion of three things—the house built upon the land, the improvements made by the tenants, and the increased value of the property as a whole arising from the “unearned increment.”†

11.—That, moreover, the fact that urban land is practically a monopoly, together with the increased demand for well-secured investments, help continually to augment the value of this class of property.‡

\* The gross value of property in the Metropolis has risen from £25,000,000 in 1871 to £38,500,000 in 1891.

† A house in Cornhill (to give but one instance) was up to 1862 let at a rack rent of £150, value, say, £3,000. In that year the freehold in possession was sold by public auction and fetched £11,000; in 1882 it was again sold, and fetched £25,000, or eight times as much as it was worth forty years before. (Mr. Montagu, in debate on “Ground Values,” H. of C., March 13, 1891).

‡ The selling value of well-secured ground rents has gone up in the last few years from 22 or 23, to 27 or 28 years’ purchase (Sir H. James, debate on “Ground Values,” H. of C., March 13, 1891), the result partly of increased demand for well-secured investments, and partly of the fact that the increased value of land has made ground rents themselves more secure.

12.—(a) That the value of the land in London is estimated as at least equal to the value of the buildings upon it; yet it escapes all local taxation.

(b) That the annual “unearned increment” on this land in the Metropolis increases at the estimated rate of about £300,000 a year; representing a capital value (at 17 years’ purchase) of £5,000,000.

13.—That there is thus a constantly increasing tribute by the whole community of the town to the individuals who own the land. And increasing prosperity brings neither relief nor finality.

14.—(a) That, as the value of property rises—due to the public and private energy and outlay of the occupier—the assessment is raised. But, to the occupier, increased valuation and assessment merely imply increased rates: \* none of the increased realizable value goes to him as occupier; and only to him if he ceases to be occupier and (by letting) becomes part owner of the property.

(b) That, indeed, the occupier improves the value of the landlord’s property, not only at his own expense (by rates and private outlay) but to his own detriment. His assessment is raised during his term of occupation; and, at the end of his term, he will be called on to pay an enhanced rent on the improved estate.

15.—That, as a matter of fact, there has been a smaller proportionate increase in aggregate value than in rates.

16.—(a) That, thus, there is a large fund of property that is rapidly increasing in value, that owes its increasing value entirely or almost entirely to the industry and outlay of those who live on the property, and which is greatly bene-

\* The aggregate rates in London increased 60 per cent. between 1873 and 1883, partly due to a greater rate in the pound (from 15 to 20 per cent.), partly to new buildings, and partly to the higher and more stringent assessment of the old buildings.

fited by the expenditure of the local rates; and yet which contributes nothing directly, and indirectly very little, to these local burdens. This clearly constitutes a fund on which direct local taxation should be levied.

(b) That, at present, the whole burden falls on the one class of persons, the greater part of the benefit goes to another; whereas each interest should bear the burden in proportion to the benefit it receives.

17.—(a) That when land, from agricultural becomes urban land, and thereby becomes more valuable, it should take its share of the increased liabilities incidental to urban districts.

(b) That rural land possesses a creative power, and its value is made and kept by the continual application of labour and capital; the value of urban land is derived entirely from the concentration of population in its neighbourhood, and requires no application of labour or of capital by the owner.

18.—(a) That the grievance of rates is an urban not a rural one; rural rates are in the nature of hereditary burdens, while urban rates are in the nature of new taxes arising out of modern wants and from the concentration of population.

(b) That it is agricultural and not urban land that has suffered from depression; but it is in the towns that the burden, and the unjust incidence of rates, is mostly felt.

19.—(a) That it is against public policy, that the owners of property should be able to relieve themselves for long periods of time from all interest in questions of local rating, burdens, and administration.

(b) That it is inexpedient that those who derive large benefits from great and populous communities, should not themselves contribute to the cost of promoting the well-being of those communities.

20.—(a) That, in towns, the owner has none of the enjoyment, responsibility, or advantages of ownership that

arise from occupation. He is a mere rent receiver, an absentee in the worst sense of the term.

(b) That, often, the interest of the owner is antagonistic to that of the neighbourhood—especially in such matters as overcrowding, etc.

21.—That the poorer districts of London especially, suffer from the present system. They suffer from the “presence of absentee landlords,” who receive heavy incomes from, and expend nothing in the districts.

22.—(a) That the existing incidence of local taxation encourages and perpetuates the leasehold system,\* by making it increasingly to the advantage of owners to retain intact rather than to divide up the property.

(b) That the extension of the leasehold system tends to diminish the interest of the inhabitants in their citizenship; the occupier has no real interest in the house he occupies or the land on which he lives.

23.—(a) That the question is a social as well as a fiscal one. So long as the incidence of taxation remains so unequal, and presses with such severity on the occupier, the London County Council, and other local authorities, are disinclined, and indeed unable, to undertake many important and necessary works of public convenience and utility.

(b) That, this is more especially the case, when these Authorities are only allowed to borrow money for permanent improvements on a comparatively short term of years.†

24.—That, if the incidence of local taxation were made

\* See *Leasehold Enfranchisement*.

† On July 9, 1889, the London County Council passed the following resolution:—“(1) That the Council do petition Parliament to provide forthwith that the burden of all future loans for permanent improvements shall fall upon such persons as the law shall hereafter direct, all private contracts to the contrary notwithstanding, and (2) that the Council do postpone all new loans for such improvements which can be postponed without grave inconvenience until Parliament has so provided.”

fairer, rates would be less unpopular, and could be more easily raised.

25.—(a) That, however the burden of the rates may be subsequently manipulated, it is the duty of Parliament to decide what is just in regard to the ultimate incidence of taxation, and to fix the first incidence accordingly.

(b) That if the occupier does pay more than he ought, it is right that the law should come to his relief.

26.—That there must be something wrong with the incidence of a tax when it bears the obloquy of being paid by two sets of persons. In regard to the rates, as at present levied, the owner believes that he really pays them, the occupier knows that he pays them directly.

27.—(a) That, whatever may be the case in rural districts, where possibly the whole of the rates are considered in the rent, this is not the case in urban districts.

(b) That the fact that ground rents continue to be paid, though all local taxation may have ceased from the destruction or non-occupation of the building, proves that all the taxation is put on the *building*, and is *paid by the occupier*.

28.—(a) That a change in the law, directly casting a portion of the rates on to the owner, would partly at least relieve the occupier; would certainly relieve him in regard to future increases in rates.

(b) That, at the worst, the owner would be able to shift a portion of his share of existing rates on to the occupier; he would have to bear his fair share of all *new* and unforeseen and increased rates.

29.—(a) That direct taxes tend to stick where they are imposed; and the owner would not be able to shift his share of the burden on to the occupier.

(b) That the burden of the income-tax, imposed on the owner, but collected in the first instance from the occupier, remains on the owner.

30.—That, as a matter of fact, the amount of rent charged does not depend to any great extent on the amount of rates. Few tenants enter into nice calculations as to the rates they will have to pay (and the amount cannot indeed be altogether foreseen). They look chiefly to the rent asked, and roughly estimate rates and taxes at so much more in proportion. They are ready to pay a certain definite sum in rent, and no more, and will not willingly pay an increased rent even though relieved of a portion of the rates.

31.—(a) That the owner of the ground value, being practically a monopolist, has already exacted the greatest rent that can be got for the land.

(b) That, doubtless, where the value of land has risen, and there was an increasing demand for accommodation, the owner (at the expiration of the lease) would be able to raise the rent; but this would be wholly apart from the question of rates.

32.—That, if the landowner pays all the rates in the end, there could be no hardship in placing them on him at the beginning. If he can shift them all off on to the tenant, it would do him no harm to put them on him at the first.

33.—(a) That, if it be true, that the ultimate incidence of the rates would still fall on the occupier, the change should be welcomed by the owners; as, without loss to themselves, removing an apparent grievance on the part of the occupiers, and the invidious imputation of exceptional immunity from taxation under which owners now rest.

(b) That the state of public feeling on the matter, constitutes a serious danger to property. It would be to the advantage and the safety of the land owner, to be made at least to appear visibly and directly to pay his fair share of the rates.

34.—That the opposition of the owners to the proposed change, shows that they do *not* believe that it is they,

rather than the occupier, who really bears the burden of the rates.

35.—That, taking into account the variety of intermediate interests and the complications of the leasehold system, it may be impossible absolutely fairly to adjust the incidence of the burden; but any inequalities that may arise, would be far less than those that exist at present.

36.—(a) That Parliament is perfectly entitled—especially by way of a new tax—to interfere freely with existing custom or contracts.

(b) That, especially is this the case, when the condition of things, under which the arrangement was originally made, has been radically altered; and, more especially, if the alteration be due to increased statutory obligations involving additional local expenditure.\*

37.—(a) That the principle of Imperial taxation is that no person shall be allowed to contract himself out of his liabilities; that no private arrangement shall be allowed to narrow the area of taxation.

(b) That a precedent for interference—founded on this principle—exists in the case of the income-tax; which, though in the first instance, collected from the occupier, is recovered by him from the owner, any contract to the contrary notwithstanding.

38.—That where the contract contained no specific stipulation that the occupier should pay the rates, it need not be regarded; in the case of contracts where such a specific stipulation exists, some fair compromise would have to be arrived at to prevent injustice and spoliation.†

\* Such as, in the case of rates, sanitation, drainage, pollution, housing, police, education, etc.

† The Committee of 1870 (Mr. Goschen's) recommended that the case of existing contracts would be equitably met, by exempting the owners of property held under lease from the proposed division of rates for a period of three years; and, by providing, that while the deduction of rates should then

39.—(a) That the owners are, however, not deserving of much consideration. Without any cost to themselves, they have profited enormously and unexpectedly from the increased rates and by the “unearned increment.”\*

(b) That, in no other instance, has property risen so continuously and so greatly in value, without exertion on the part of the owner.

40.—(a) That land has always been far too much favoured in the matter both of local and Imperial taxation, and it is time to put an end to the anomalies that exist.†

(b) That in England land bears far less of the direct burden of taxation than it does on the Continent.‡

take effect, the owner should be entitled, at the same time, to add to the rent an annual sum equivalent to the proportionate annual average sum paid in rates by the occupier during the above three years. By others it is suggested, that the three years' average should date from some fixed year (1870 is proposed, as the year in which the Committee reported) before the great rise in rates took place. The occupier would pay an addition to his rent equal to half the rates then in force, less half the present rates. For instance, if the rates in 1870 had been 3s., and those of 1892 were 4s. in the pound, the occupier would deduct 6d. in the pound from his rent. Others suggest, that the actual date of the contract should be taken as the starting point. That the amount of rate existing at that time should continue to be paid by the occupier, but that he should be entitled to deduct half of any increase of rate that might have subsequently taken place. For instance, if the rate was 2s. 6d. in the pound when the bargain was made, and had since risen to 4s., the occupier would be entitled to deduct 9d. in the pound from his rent.

\* “Suppose there is a kind of income which constantly tends to increase without any exertion or sacrifice on the part of the owners, those owners constituting a class in the community whom the natural course of things progressively enriches, consistently with complete passiveness on their own part. In such a case it would be no violation of the principles on which private property is grounded, if the State should appropriate this increase of wealth, or the part of it, as it arises. This would not, properly, be taking anything from anybody; it would merely be applying an accession of wealth, created by circumstances, to the benefit of society, instead of allowing it to become an unearned appendage to the riches of a particular class. Now this is actually the case with rent.” Mill, Bk. V., chap. ii. sect. 5.

† See “*Handbook to the Death Duties*,” (Murray).

‡ Speaking of Imperial burdens, Mr. Goschen stated, in 1871, that “the

(c) That because land has been exempt for so long from its just burdens, is a reason, not for continuing, but for ending the unjust exemption.

41.—That the additional relief of late given to the rates for the Imperial Exchequer, has done nothing whatever to improve the incidence of local taxation.

42.—That a railway, deriving a specific benefit from the traffic of a town, is rated on its stations accordingly; the same principle should be applied to land in towns.

43.—That the class or condition of those who may be owners, has nothing to do with the justice of taxing them—as a matter of fact, they are mostly great monopolists—the only question is that of justice as between owner and occupier.

44.—(a) That London has a special grievance in the matter, inasmuch as the separation of the interest of “owner” and “occupier” has been there intensified; the “occupying owner” is almost a creature of the past, real property in London is held under a system of terminable leases.

(b) That the expenditure on permanent improvements has been very great; and, that, in the future (London, through the delay in granting her self-government, being municipally much in arrears) a greatly increased outlay on permanent improvements is essential.

(c) That, in the recent relief given to rates from Imperial taxation, the London ratepayers were placed at a disadvantage.\*

amount paid by land alone in England is  $5\frac{1}{2}$  per cent.; in Holland  $9\frac{1}{2}$  per cent.; in Austria  $17\frac{1}{2}$  per cent.; in France  $18\frac{1}{2}$  per cent.; in Belgium  $20\frac{1}{2}$  per cent.”

\* The Boroughs (other than London) received a relief of  $4.02d.$  per pound of rateable value, the Counties of  $3.33d.$ ; the Metropolis of only  $1.44d.$  in the pound. (“*Economist*,” Oct. 11, 1893).

On the other hand, it is contended :—

1.—(a) That it is not possible, in most cases, to distinguish with any precision between the “owner” and the “occupier”; and to adjust the burden fairly between them.

(b) That the complete ownership is made up of a series of different interests. Between the “occupier” pure and simple and the freehold reversionist, there are, usually, a large number of intermediate beneficial interests in the property: of which the occupier is probably possessed of a portion and the reversionist of another portion. No man can say whether, and how far, he is an “occupier” or an “owner.”

2.—That the various “occupiers” and “leaseholders” have acquired their interests on varying terms; the actual rent they pay in no way necessarily represents their beneficial interest in the property. Hence, it would be difficult or impossible to divide the burden according to the benefit received.\*

3.—(a) That ground rents in no way represent the real interest of the owner in a particular plot of land. The ground rent is usually a certain annual payment spread over a considerable number of plots of land, and arbitrarily apportioned between those plots irregularly and unequally.†

(b) That to tax ground rents and not the other interests

\* The land may be held on a great variety of tenures. The landlord may build a house and live in it. He may build the house and let it directly to an occupying tenant. He may let it on lease to a tenant who may sub-let it. He may let the land to a builder, charging only a ground-rent, the builder to erect houses on it; the builder may build and sub-lease to another, who may again sub-lease, creating several interests in the property, etc. On the expiry of the lease, the owner may either increase the ground-rent, or take a part of the increased rent out in the form of a fine or a premium, or insist on certain expenditure by the leaseholder, etc.

† See note, p. 252.

in the ground value, would be grossly unfair ; and yet they are the only visible interest that can be directly and easily taxed.

(c) That, if ground rents are to be rated, "fines," which are merely anticipated ground rents, and "reversions," which are practically deferred ground rents, should be rated too—and this is practically impossible.

4.—That ground values are but one form of investment appreciated by the "unearned increment," it is unjust to pick them out for special taxation.

5.—That the owners of fixed interest in the property—*i.e.* rent charges without reversion, etc.,—would be additionally taxed without receiving any additional benefit.

6.—That the reversionary portion of the interest in "improved ground values" is practically capital, and to tax capital during life is opposed to the first principles of our system of taxation.

7.—(a) That, if it be true, that the "builder" or "leaseholder" has been called upon to bear an unforeseen and unexpectedly large increase of rates, he has, on the other hand, enjoyed the benefits of an equally unforeseen and unexpectedly large increase in the value of the property, of which benefit the owner is altogether deprived during the term of the lease.

(b) That, in most cases, the appreciated value of the property which he has enjoyed, has by far exceeded any loss caused by increased rates.

8.—That, as a matter of fact, in the bargains made, the question of increased and increasing rates is duly considered. The owner, in consideration of the builder or leaseholder assuming the risk of the rates, accepts a lower ground rent.

9.—(a) That the leaseholder has deliberately taken a risk

(of an increase or decrease of rates), and cannot justly complain if the bargain has gone against him.

(b) That it would be unjust to allow the builder or leaseholder to reopen the contract as regards his loss, and allow it to stand as regards his gain.

10.—(a) That the benefit accruing from the “unearned increment” goes in a far larger degree to the advantage of the occupiers and leaseholders, than of the ground landlord.

(b) That the continual increase in the rateable value of London, is an alleviation not an aggravation of the position as regards the occupier. The value of his beneficial interest is largely increased, and the aggregate increase in value diminishes the amount of the rate that he is called upon to pay.

11.—(a) That the increase in the aggregate rates, so far as it is due to new buildings or to increased rateable value, does not affect the individual occupier; he is only concerned with the rate in the pound on his own house, and in this respect the increase of late years has been slight.\*

(b) That he has, on this score, no equitable ground for legislative relief; the increased burden of the rate is fully compensated by the increased benefits derived from the expenditure.

12.—(a) That it is only the rate levied for permanent improvements that can be said to benefit the reversioner. The other rates are for temporary, recurring, and immediate purposes; of these, the occupier and successive owners obtain year by year the full benefit, and should therefore bear the whole burden.

(b) That, even as regards so-called permanent improvements, there are few or none the benefits of which are

\* See Notes, pp. 294 and 296.

not largely or altogether exhausted (and therefore also enjoyed) during the period over which the loan raised to create them extends.

(c) That the immediately resultant value of permanent improvements is usually more than the cost, and the investment is a beneficial one to the occupier and leaseholder.

13.—(a) That it is not possible (nor, if possible, expedient) to distinguish between rates for permanent improvements and those for other purposes; or to say that this part of the rate is for a permanent, and that for a temporary object; that this part should be paid by the owner, and that by the occupier.

(b) That these so-called “improvements” may, by opening up new thoroughfares and diverting traffic, etc., actually diminish the value of land in certain districts.\*

(c) That it is the total amount of the rate in the pound, and not the distribution of the rate among particular objects, that affects the occupier.

14.—(a) That, if the lease be a short one, the question of increased rates would soon come up, and would be settled in connection with the new bargain.

(b) That, if the lease be a long one, the occupier and not the owner obtains the full benefit of the rates, and should therefore pay them.

15.—That the incidence of rates is determined by economic causes, which cannot be altered by legislation. That, therefore, whether the occupier or the owner actually pays the rates in the long run, there is no injustice in a system which, for the sake of convenience of collection, throws the rates in the first instance on the occupier.

16.—(a) That a change of system would not in the end in any way advantage him.

\* See “*Betterment*.”

(b) That, whatever their nominal incidence, as a matter of fact, the owner in the long run does pay the rates; for the amount of annual rent paid is governed by the amount of annual rates to which the property is liable.

(c) That, in building leases especially, this is so. The amount of the occupation rent that can be obtained determines the amount of the ground rent, for the builder must make his profit. That which tends to increase or to diminish the occupation rent, tends to increase or diminish the ground rent. Rates tend to diminish occupation rent, for they are taken into account in fixing the rent, and they therefore tend to diminish in the same degree the ground rent. The owner therefore always pays indirectly all the rates and taxes.

17.—(a) That during the term of the contract, the variations of the rates will no doubt advantage or disadvantage the occupier; but an adjustment would be made when the contract comes to an end, and the rates would then be thrown on the owner.

(b) That the rent represents the amount the landlord can obtain for the property free of taxes. If he is called upon compulsorily to pay a portion of the rates, he will compensate himself by raising the rent by a like amount.

18.—(a) That it is immaterial to the tenant—who is prepared to pay a certain total sum for the property—whether he pays it in the shape of rent or of rates.

(b) That the tenant, in taking a house, always considers, in estimating its worth to him, not only what is the rent, but what are the actual and the probable rates. He is quite capable of making his own bargain, and does not require the law to step in to his aid.

19.—That, no doubt, if a rise in rates is foreseen, the tenant obtains his house at a lower rent than he otherwise

would—but this would happen as much under the existing system as under the new one.

20.—(By some.) That urban land being practically a monopoly, the owner will, at the end of the contract, raise the occupation rent by the amount of the rates statutorily shifted to him from the occupier, and thereby appropriate to himself the whole benefit intended for the occupier.

21.—(a) That, thus, the occupier would obtain no relief from the change; and the alleged grievance would remain unredressed.

(b) That, the only way in which the occupier could gain, would be if, during the period of his existing contract, he were allowed to relieve himself of a part of his rates, contrary to his contract, and to put them on to his immediate landlord—a flagrant injustice.

22.—(a) That, if any benefit did accrue at the expense of the reversionist, it would go, not to the occupiers on short tenures—these would have their rents proportionately raised to cover the rates from which they had been relieved—but almost entirely to the building owner or middleman.

(b) That the working classes, for the most part, have no leases and pay no rates (which are “compounded” and paid by the landlord); the change would therefore not affect them one way or the other.

23.—That, as regards the reversion—the “unearned increment” so called,—the owner and the builder (or leaseholder) carefully consider the matter when the bargain is made; and the owner is content to let his land for a number of years at a rent far below the annual value of the land, in consideration of its development by others, and the reversion of the whole property at the end of the term.

24.—(a) That, though the pecuniary position of the owner as regards the rates would be unaltered, to allow the

change to be carried through would encourage further dangerous attacks on property.

(b) That, in any case, the property of the ground landlord would be depreciated. The change would cause a feeling of unsettlement, and a fear that additional burdens would be cast on the land. Further, a part of the value of ground rents lies in the fact that they represent a fixed and not a variable income; this advantage would be lost if they were saddled with variable rates.

25.—(a) That taking into account the burden of rates placed on it, land does already fully bear its share of local and imperial taxation.

(b) That the land abroad, alleged to be heavily charged with taxation, is almost entirely agricultural land. This land, inasmuch as its produce is protected, enjoys the set-off of an indirect tax imposed in its favour on the rest of the community.

26.—(a) That the change would constitute a gross and unnecessary interference with the ordinary dealings in property.

(b) That it would be a gross violation of the terms of existing contracts.

27.—That the proposal either implies a wholesale attack upon the validity of contracts, merely in order to snatch a dishonest advantage for occupiers which would disappear at the expiry of their lease; or it is supposed that one appeal to anarchical principles will facilitate another, and that the law will always be ready to step in with new and vexatious restrictions at each renewal.

28.—(a) That the question is very much complicated by the consideration that existing contracts, as well as new contracts, must be dealt with.

(b) That, to leave untouched existing contracts—which for the most part extend over a lengthened prospective

period of years—would be to allow the indefinite prolongation of the alleged injustice ; and would have the additional disadvantage of introducing a new system of assessment and levy alongside of the old.

(c) That any alteration in the terms of existing contracts, would involve confiscation or else rental compensation. The former would be unjust, the latter would give no relief to the occupier.

29.—That the collection of the income tax from the tenant in the first instance, forms no precedent. The income tax is a tax on the whole income of the individual, from whatever source derived, and is only obtained through the tenant for convenience of collection ; just as, conversely, in the case of Joint Stock Companies, it is collected from the Company as a whole instead of from each individual shareholder.

30.—(a) That the only just way of taxing values, would be individually to discover and to assess each separate interest in house and land—and this would be impossible.

(b) That the present rough-and-ready system of rating, which throws the first incidence on the occupier, fairly distributes the ultimate incidence of taxation among the various beneficiaries ; no new system would be so simple or so equitable.

31.—That the relief given of late to the rates at the expense of the Imperial Exchequer has in itself, and in the method by means of which it has been carried out, considerably improved the incidence of local taxation.

32.—(a) That it is right that the occupier should bear the expenditure, inasmuch as, under the present system of local representation, they (as ratepayers) have a plenary voice in, and control over, the local expenditure.

(b) That directly to tax the owners, would involve in fairness special representation on their part. “Property quali-

fictions" are, however, impracticable now-a-days; and the owners would thus be left at the mercy of the extravagance of the occupiers.

33.—(By some.) That the object of the change is to penalise individual ownership in urban land.

34.—That, whatever the incidence, ground values are fully rated already, or the full rateable value of each property is assessed for rates. The change proposed would produce no additional revenue. Certain persons would be relieved at the expense of others, but the community at large would in no way benefit.

35.—That property in urban land is held by a vast number of small investors, who have their savings invested in it, and who would seriously suffer from extra and special taxation.

#### DIVISION OF RATE BETWEEN OWNER AND OCCUPIER.\*

Further, it is urged, that the best method of causing the owner to contribute to the rates, would be, while continuing to collect the whole rate in the first instance from the occupier, to allow him to deduct a certain fixed amount (a half is usually suggested) in proportion to the rent he actually paid to his immediate landlord. Each intermediate owner would similarly make a deduction proportionate to the rent he paid. Thus, while the occupier

\* Arguments already used in the previous Section will not, for the most part, be repeated in these supplementary Sections.

would continue to pay a considerable proportion of the rate, each "owner," in consideration of his beneficial interest, would also pay a part.\*

This proposal is supported on the grounds:—

1.—That all rates more or less benefit the owner as well as the occupier.

2.—(a) That some portion of the burden of the rates should be thrown on owners as distinct from occupiers.

(b) That all owners should bear their fair share of the burden.

3.—That it is not intended, and indeed would not be just or desirable, that the occupier should escape local taxation altogether. What is desired is, that the owner should also pay a share.

4.—(a) That it is hopeless to attempt accurately to divide the charge among the different interests in the property in exact proportion to the benefit received.

(b) That the only way of doing substantial justice in the matter, is by means of a simple, though rough-and-ready, division of rates among the interests concerned.

5.—That simplicity, economy, ease of collection, avoidance of yearly assessment, minimisation of disputes, would dictate that a fixed proportion not of particular rates, but of the whole rate, should be cast on the whole property, assessed as a whole.

6.—(a) That, as far as possible, existing machinery should be utilised.

(b) That the system of deduction would involve no new machinery, no new practice, and no change of principle.

\* The division of rates does not mean, of course, that the occupier, if called upon to pay £5 in rates, would necessarily be entitled (if deduction were fixed at a half) to deduct £2 10s. from his rent. The terms of tenure vary, and all he would be entitled to do would be to deduct a portion, not exceeding half the rate, in proportion as his rent was less or equivalent to the rateable value. For instance, assume a house rated at £200 a year. A is the occupier paying £150 a year to B, the middleman leaseholder, who pays £50 ground rent to C, the freeholder. A will pay (with a rate of 4s. in the pound) to the Parish Authority £40 (4s. on £200); he will deduct, when paying his rent to B, £15 (2s. on £150); B, when paying his ground rent, will deduct £5 (2s. on £50). Thus A will pay £25 in rates, B £10, and C £5. (See Lord Hobhouse's "*Local Taxation of Rents in London*.")

7.—(a) That, as between the rating authority and the rate-payers, it would make no alteration or disturbance.

(b) That the ratepayer would have no fresh calculation to make, or operation to perform, in order to recoup himself: he would simply pay his rent minus a fixed sum, according to a method familiar, in the case of income tax, both to himself and his landlord.

8.—That the method of deduction at present in force in the case of the income tax, works well, and could easily be extended to the case of rates.

9.—(a) That the principle of the division of rates between owner and occupier, has been for some time in force in Scotland and Ireland; and, as regards the former, was renewed and confirmed under the Local Government Act of 1888.

(b) That, if the principle is good for Scotland and Ireland—and it has answered very well there—it is equally good for England and Wales.

10.—(a) That the Select Committee of 1866 not only condemned the present system, under which the whole burden of the rates is borne by the occupier, but unanimously recommended:

“That in any arrangement of the financial resources of the Metropolitan Board, a portion of the charges for permanent improvements and works should be borne by the *owners of property* within the Metropolis, the rate being, in the first instance, paid by the occupier, and subsequently deducted from his rent, as is now provided in regard to the general Property Tax.”

(b) That the Select Committee of 1870 stated that, in their opinion—

“The existing system of local taxation, under which the exclusive charge of almost all rates leviable upon rateable property for current expenditure, as well as for new objects and permanent works, is placed by law upon the occupiers, while the owners are generally exempt from any direct or immediate contributions in respect of such rates, is contrary to sound policy. . . .

That it is expedient to make owners as well as occupiers directly liable for a certain proportion of the rates.

That, subject to equitable arrangements as regards existing contracts, the rates shall be collected from the occupier, power

being given to the occupier to deduct from his rent the proportion of rates to which the owner may be made liable, etc., with a prohibition against agreements in contravention of the law."

On the other hand, it is specially argued :—

That an arbitrary transference of half the burden of the rates from the shoulders of the occupier to those of the owner, would be a gross interference with existing contracts, and would accentuate existing, and create new inequalities in the incidence of rating.

## THE SEPARATE ASSESSMENT AND TAXATION OF LAND VALUES AND BUILDING VALUES.

It is further contended, by those who advocate that a distinction should be drawn between the value of land and the value of the structure upon it, that the two interests should be separately assessed and the former rated at a higher percentage in the pound than the latter.\*

1.—That, at present, rates are levied indiscriminately on landed property in proportion to its supposed rental value, without regard to the nature or origin of that value.

\* The whole rate would be collected from the occupier, but, so far as he had no beneficial interest in the ground value, he would pass on the rate to his immediate landlord by deduction from his rent. For instance, A the freeholder, receives a ground rent of £50 a year from the intermediate owner, B. B lets the property for £70 to C; C, erecting a house, again lets the property at a rack rent of £250 to D, the occupier. The property is assessed at £100 for the land, and £150 for the building; the ground rate is fixed at 6s. in the pound, equal £30; the building rate at 4s. in the pound, equal

2.—(a) That the present system is faulty, inasmuch as it does not distinguish between the value of the building which is perishable, and that of the land which is permanent.

(b) That there are two distinct values in urban land: the ground value, and that of the structure erected upon it; the latter is solely due to the capital expended upon it by the builder, whilst the value of the land is entirely created, as well as maintained, by the presence of the town in which it is situated, and by the improvements (public or private) introduced at the expense of the community.

3.—(a) That the whole of the permanent element in the communal expenditure is found in the land.

(b) That, indeed, communal expenditure, that may improve the value of a certain plot of land, may actually diminish (by making unsuitable) the value of the building upon it.

4.—That the land itself should be directly taxed, and bear a large proportion of the communal expenditure, at present placed entirely on the building.\*

5.—(a) That the object is to get at, and tax, the full annual profit accruing from the mere possession of a piece of ground.

(b) That, thus, the burden of the rates would be justly apportioned to the benefit received; and the incidence of local taxation would be fairly adjusted.

6.—That, so long as the rate is placed on the building, it is of necessity paid by the consumer of the building—the occupier. Place it on the land, and it would fall on the owner.

7.—That, as under the proposed system, the ground value would represent the full rental value that the landlord could obtain for his land unburdened by rates, the rent could not be raised (or at the worst, to a very small extent) on the occupier, because a portion of the rates had been placed on the owner.

£30; in all £60. D, having no beneficial interest in either house or land, deducts the whole of the rate from his rent; C, the rack-rent owner, pays the whole of the 4s. rate on the building (for he has the full benefit of it) £30, and the 6s. rate on the £30 of ground value that he also enjoys, namely £9; in all £39. In paying his rent to B, he deducts therefore £21. B, in paying his ground rent to A, will deduct £15, *i.e.*, the 6s. rate on the £50 he pays, and will himself bear £6 10s. of rates (Mr. Fletcher Moulton's evidence before Select Committee on Town Holdings, 1891. p. 49).

\* See No. 27 (b), p. 299.

8.—(a) That no difficulty (and little expense after the first valuation) would arise in carrying out a separate valuation and assessment of land and building. The building represents the present value of so much actual capital expended, the land represents the balance of the value of the property.

(b) That surveyors habitually distinguish the two when valuing.

On the other hand, it is contended:—

1.—That the value of the land and of the buildings (and the increase in the value thereof) is so intermingled amongst the different owners, in proportion to the length and nature of their various tenures, that to attempt to value the land apart from the building would serve no useful or practicable object.

2.—That the proposed plan of levy and of deduction is far too complicated for a system of rating, the essence of which should be simplicity.

3.—(a) That it would be almost impossible to distinguish between, and separately to assess, the value of the land apart from the value of the building.

(b) That the ultimate basis of valuation is “market value”; and it is by market value that the Local Assessment Committees work.

(c) That the only check on the estimate of value made by professional valuers, and the only test of their correctness, is market value.

(d) That the only market value existing, is made up of the value of the whole property—and does not distinguish between the two.

4.—(a) That the system would involve a fresh, complicated, and enormously costly valuation of the whole of the 600,000 houses in the Metropolis.

(b) That in each case it would involve a valuation of two interests instead of one.

(c) That, as the relative values of land and building varies year by year, there would, instead of the quinquennial, have to be a yearly valuation and assessment, with a corresponding variation in the amount of the rate charged on the building and the land respectively.

5.—That the complicated assessment would give rise to endless disputes.

6.—(a) That, as far as possible, the existing administrative machinery should be utilised, and the change that is made should be in consonance with tradition and habit. This proposal would involve the creation of an entirely new system of valuation, assessment, rating, and collection.

(b) That, instead of the Rating Authority dealing simply—as is done now—with the occupier, whose position is known, it would have to deal also with the owner, whose identity it is often difficult to discover.

7.—That the proposal does not strike the real dividing line between owner and occupier.

8.—That it would perpetuate, moreover, a source of unfairness that is now much felt. An occupier, by improving his house increases his rating, and the whole of this increased rating falls on him; yet, when the lease terminates, the improved value is absorbed by the reversionist. Conversely, if he allows the house to deteriorate, he is less highly rated, and the owner comes into a less valuable reversion. If the rate on the building were to be distinguished from that on the land, this injustice would be greatly accentuated.

9.—That the system would in no way prevent the owner from re-transferring to the occupier, by means of an increased rent, the burden thus compulsorily thrown on him.

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## THE TAXATION OF REVERSIONISTS.

Further, it is proposed to levy a separate rate on the freeholders in London for the recoupment of the capital of all loans raised for permanent improvements,\* on the special grounds:—

1.—(a) That, at present, the whole of the ultimate benefit of permanent improvements goes to the freeholder, and the whole of the burden—interest and repayment of capital—falls on the occupier.

(b) That permanent improvements—such as Thames Embankment, Holborn Viaduct, widening streets, freeing bridges, etc.—not only last for ever, but their value perpetually increases.

2.—(a) That the sinking fund is merely a prudential provision, imposed chiefly with the view of maintaining credit.

(b) That its existence does not benefit the occupier. He is not likely to be still in possession at the time that the loan will have been fully repaid; the reversionary benefit accrues almost entirely to the freeholder.

3.—That the scheme would fairly divide the burden of permanent improvements. The occupier would still continue to pay the annual interest on the loans, and thus would meet that portion of the cost of which he enjoyed the benefit during his occupation. The capital would be repaid by the freeholder, who will receive the ultimate benefit of the improvements.

4.—That this is no more than a step (but it is a step), in the right direction of the fairer adjustment of rates; it meets the most striking and least defensible instance of the injustice of the present incidence.

\* The annual interest on the loans would remain as before on the occupier; the sinking fund would be put on the ultimate reversionist or freeholder. The figures would work out as follows:—Outstanding Metropolitan Loans say £30,000,000, annual interest about £1,000,000, to be paid as now by the occupier. Sinking fund, to repay loans in 50 years requires about £300,000 a year, to be paid by the owner.

On the other hand, it is urged :—

1.—(a) That the expenditure of the rates benefits different interests in varying degrees. The benefit of no particular rate is coincident with any particular interest of occupation, lease, or ownership; while all rates more or less benefit the successive interests in the land.

(b) That no one can say that, at any particular moment, a particular rate benefits the reversioner, and to what degree.

2.—(a) That it would be a mistake to separate improvement rates from other rates. All persons interested in the property should pay their fair proportion of the rates which maintain its value.

(b) That so-called temporary rates—police, poor, drainage—are as essential to create and to maintain the value of the land, as those expended on permanent improvements.

3.—That the amount of annual charge for sinking fund on loans—the only part of the rate that can be said really to augment the value of the property of the owner—is infinitesimal as compared to the whole rate, and it would be inexpedient, for the sake of this small charge, to alter the present simple and convenient system of levy.

4.—That it would throw one particular burden directly on the freehold reversionist, to the exoneration of all the other interests in the property; though the freeholder may actually possess the smallest interest in the property,\* and though the improvements might become wholly or partially exhausted before he came into his property.

5.—That the proposed tax would, in the case of a long lease, swallow up the whole or the greater part of the reversionary interest.

6.—That if anything is to be done to improve the incidence of taxation, the reform should be comprehensive and general.

\* For instance, a property may be let on lease for 99 years at a ground rent of £5. The leaseholder may sub-let to another person for 20 years at £100, this one may be rated at £150; the capitalised value of each of the two latter interests is larger than that of the first.

## THE RATING OF VACANT LAND.

It is proposed that Vacant Land should be assessed to local rates at four per cent. of its selling value, on the grounds :—

1.—That, “at present, land available for building in the neighbourhood of our populous centres, though its capital value is very great, is probably producing a small yearly return until it is let for building.”\*

2.—That, “the owners of this land are rated, not in relation to the real value, but to the actual annual income.”\*

3.—That, “they can thus afford to keep their land out of the market, and to part with only small quantities, so as to raise the price beyond the natural monopoly price which the land would command by its advantages of position.”\*

4.—That, “meantime, the general expenditure of the town on improvements is increasing the value of their property.”\*

5.—That, “if this land were rated at, say, 4 per cent. on its selling value, the owners would have a more direct incentive to part with it to those who are desirous of building, and a two-fold advantage would result to the community. First, all the valuable property would contribute to the rates, and thus the burden on the occupiers would be diminished by the increase in the rateable property. Secondly, the owners of the building land would be forced to offer their land for sale, and thus their competition with one another would bring down the price of building land, and so diminish the tax in the shape of ground rent, or price paid for land which is now levied on urban enterprise by the adjacent landowners, a tax, be it remembered, which is no recompense for any industry or expenditure on their part, but is the natural result of the industry and activity of the townspeople themselves.”\*

\* Report of Royal Commission on the Housing of the Working Classes, 1885.

6.—(a) That the owner of the land is expending nothing on it himself, and all the burdens of the district—in the benefits of which he shares—are cast by law on his neighbours.

(b) That it is not just that this substantial and increasing “unearned increment” of land value should escape its fair share of taxation.

7.—That in many parts of London (and elsewhere) the value of the vacant land is very great, and its assessment and taxation would largely relieve the rates.\*

8.—That in some cases, large amounts of ground rents are received by the owner for vacant land already let for building but not yet built upon, yet these ground rents entirely escape all rates.

9.—(a) That the present system offers a direct incentive to keep land out of the market; the capital value is ever growing, without the owner having to pay interest on it in the shape of rates.

(b) That the evil is not a diminishing one; inasmuch as, while existing “vacant land” may be gradually built over, the growth of urban districts is always creating fresh “vacant land.”

10.—That this tendency to keep land out of the market, and its consequent dearness, helps to accentuate the evils of overcrowding.

11.—(a) That, in rating vacant land, a distinction would of course be made between land advantageous as open spaces, and land merely kept back for a larger profit.

(b) That the taxation of vacant land intended for building purposes, would provide a fund that might be used for securing more open spaces; and open spaces could be acquired more cheaply if the land were rated.

\* The Land Valuation Committee of the London County Council (June, 1889) “have reason to believe that in Kensington the value of the vacant land is not less than £1,700,000 . . . certain fields in Kensington of a selling value of £400,000 are now rated only at £62 a year.” In Paddington “the vacant land amounts to about 100 to 150 acres. The selling value of the land is about £3,000 per acre, and it now escapes rating altogether,” etc., p. 10.

On the other hand, it is argued :—

1.—That to attempt to proportion the annual contribution to saleable value and not to annual receipts, would be contrary to habit and usage, and the general principle of taxation prevailing in this country.

2.—That as vacant land is producing nothing, it should not be rated beyond its agricultural value.

3.—That it would be unjust, first to lay rates on the capital value, when little or no income was being derived from the land, and afterwards to rate the property on the income that is actually earned. The ultimate income could thus be rated twice over, once in anticipation and again in possession.

4.—(a) That to tax vacant land would necessitate the creation of new administrative machinery.

(b) That the difficulty of defining what was, or was not, “vacant building land,” and the difficulty of fairly assessing it when defined, would be almost insuperable.

5.—That as agricultural land gradually ripens into building land, the value of vacant land would be ever changing with the changing circumstances of the neighbourhood; an annual valuation and assessment would be necessary.

6.—That the assessment would give rise to endless disputes and difficulties.

7.—That the great bulk of the rates are incurred for services that solely benefit the land that is already built on, and in no way benefit the vacant land. Public improvements are not, as a rule, undertaken in those districts in which much land still remains vacant.

8.—(a) That the ordinary operations of trade in land should not be artificially interfered with by special taxation.

(b) That it would tend to crush out the small holders—who could not afford to hold unproductive land and also to pay rates—and would concentrate land in the hands of a few.

9.—That building land is not in any way unduly kept off the market at present; it is to the interest of the landowner to bring his land into profitable occupation as quickly as he can.

10.—(a) That it would be very undesirable unduly to force land into the building market; districts would be too rapidly

built over ; the houses would be run up cheaply and flimsily ; a considerable proportion of them would not be occupied, and thus would not be available for rating purposes. The neighbourhood would be injured, and the rates would not be benefited.

(*b*) That it would act as a penalty on open spaces ; for it would tend to drive into the building market, open spaces, private parks, gardens, etc., which, greatly to the advantage of the neighbourhood, are now free of buildings, and would so remain much longer, or for ever, if not rated.

11.—(*a*) That it would lead to the collusive alienation of portions of the frontage, etc., in order nominally to destroy the value of the land for rating purposes.

(*b*) That, unless empty houses, at present exempt from rates, were also rated, the law would be evaded by the provision of temporary structures, left uninhabited. To rate empty houses would act as a discouragement to that development of building which the rating of vacant lands is intended to promote.

12.—(*a*) That the quantity of land still left vacant, where land is of high rateable value, is very small, and the relief to the rates from taxing it would be infinitesimal.

(*b*) That the evil, as far as it exists at all, is of a temporary nature, and is rapidly diminishing as the vacant lands come into the market.

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### A MUNICIPAL DEATH DUTY.

In addition to the local taxation of rents or annual values, it is contended, that the capital value of ground values should be also locally taxed, by means of a Municipal Death Duty on Realty.\*

\* By some it is proposed to hand over the whole of the Succession duty—reforming and increasing it—to local purposes.

This proposal is supported, on the grounds:—

1.—That taxes (or rates) on income should be kept apart from those on capital.

2.—That there is no real connection in urban districts between rent and capital value; the terms of tenure are so various, that the amount of the former is no real test of the value of the latter.

3.—That the various proposals for taxing ground values, deal only with land and houses regarded as sources of income, and do not touch the capital value, which must be separately taxed.

4.—That to tax only immediate income and not capital value, is to leave untouched many important local sources of wealth, *e.g.*, where the present rent bears no real proportion to the value of the reversion, where the consideration to the landlord has taken the shape of a fine or premium, in the case of vacant lands, etc.

5.—(a) That the mere division of the rate between owner and occupier, though a step in the right direction, would not cast a sufficiently heavy burden on ground values for local purposes.

(b) That, moreover, to a large extent, the owner would be able to shift the burden of the divided rate back again on to the shoulders of the occupier.

6.—That, the capital value of the property is greatly enhanced by the expenditure from the rates, and should contribute accordingly.

7.—(a) That the easiest and simplest way of taxing the capital values of land and buildings, is to tax it on its transfer at death.

(b) That to attempt to assess and levy an annual tax on each beneficial interest in a property, in proportion to its capital value, and annual increment of value, is inexpedient if not impossible.

(c) That a death duty, levied as it would be periodically on the property, would fairly represent a commuted annual tax; and, thereby, the capital value of the interest of each owner in the property would be automatically, equitably, and without difficulty reached.

8.—That a death duty increases proportionately to the wealth of the country.

9.—(a) That, by means of a municipal death duty on realty,

the capital value of the "unearned increment"—\*—due to communal expenditure, and therefore a fit subject for communal taxation—would be taxed for local purposes.

(b) That, by this means, would be caught and taxed for local purposes, the profits periodically taken by the owner on many estates in the form of premiums or fines; which at present escape rates, and income tax as well.†

10.—(a) That a municipal death duty would be a tax on the lines of least resistance. An annual tax on capital values would be difficult of collection, and would meet with determined opposition; a death duty would be easy to collect, and, being accompanied by an accession of wealth, is the least unpleasant of all forms of direct taxation.

(b) That the machinery of collection is ready to hand.

11.—(a) That the grant of a moiety of the probate duty to local purposes, was a concession of the principle that the property of a locality should contribute to the communal expenses of the locality.

(b) That, personalty,‡ however, cannot be localised for taxation; and, though part of the proceeds can be handed over to local authorities, the duty as a whole must be collected by the Imperial Exchequer, and form part of the general revenue of the country, and not of a particular locality.

(c) That real estate,§ on the other hand, is essentially of a local character, and can be easily localised for purposes of taxation. Its value varies with the variations in the prosperity of the district. A death duty on realty could be assessed and collected (if necessary) by local authorities.

12.—That there is, therefore, no more fitting subject for taxation for local purposes than real property in towns; and no more

\* Increasing in the Metropolis at the rate of a capital sum of some four to five millions annually. See 12 (b), p. 296.

† It is proposed by some, that a direct tax should be levied on reversionists on coming into possession; and that "fines" and "premiums" should be directly taxed by means of a heavy ad valorem stamp duty on the transaction—the proceeds to be reckoned as local revenue.

‡ Realty = land and house property; Personalty = broadly, property other than land and houses; leasehold property partakes of the nature of both.

easy and just method of reaching its owners than by a municipal death duty.

13.—(a) That the improved incidence of local taxation by the division of rates, etc., would produce no additional revenue for local purposes.

(b) That new sources of revenue are essential in the Metropolis, in order to enable the London County Council, without throwing intolerable burdens on the ratepayers, to carry out necessary and urgent works of public utility and convenience.

14.—That, by means of a municipal death duty, new sources of revenue could be obtained without injury to individuals, without disturbance to trade, and without depreciating the value of the property, or affecting the spending power of existing incomes.

15.—(a) That a properly revised and reformed local death duty on realty, would produce a far larger revenue than the succession duty does at present.\*

(b) That it would enable the Imperial and the local authorities to coöperate for the purpose of obtaining more accurate assessments, and to prevent evasion.

16.—That, under the existing death duties, realty as compared to personalty, is too lightly taxed.†

17.—That, more especially, is the urban land owner lightly taxed as compared to the urban householder. The latter (if a leaseholder) pays probate duty, pays succession duty, pays rates, pays outgoing, and improves the property: the former merely pays succession duty; and that on his life interest only.‡ They are

\* The succession duty at present produces for the whole of the country about £1,200,000 a year, of which about one-third is derived from personalty.

† Personalty is liable to probate duty and to legacy duty; realty only to the far lighter succession duty. Personalty is liable to duty on its full capital value, realty only on the value of the life interest of the successor, after deduction of incumbrances. The death duties on personalty are payable when due, those on realty are spread over a series of years, etc. The above are broadly the distinctions between the respective burdens on the two; but, so great is the complication of the death duties, that they are only roughly correct. (See "*Handbook to the Death Duties*," especially tables pp. 60-65.)

‡ Two brothers, A and B, take bequests of equal value under their father's will. A is left a beneficial lease of a house in London valued at £3,000. B is left a freehold reversion of a similar house, with an annual rent of £100 reserved, the rent and reversion being worth £3,000. A will pay, and at

at the opposite ends of the scale of Imperial and Local taxation; and the case for the relief of the latter at the expense of the former is overwhelming.

18.—(a) (By some.) That there is no reason why the municipal death duties on urban realty should necessarily be extended to rural realty. The two descriptions of property stand on an entirely different footing; and the latter may well receive immunity from taxation denied to the former. The rural landowner pays the rates directly or indirectly, pays outgoing, and is subject to foreign competition. The urban landowner does not pay rates, while his property benefits from them, does not suffer from foreign competition, and the outgoing and improvements are thrown on the tenant.

(b) That, as the tax would be a local one, there is no necessity for uniformity throughout the country; it might well vary according to local wants.

19.—That a revision and reform of the succession duty—and of the death duties as a whole—is urgently needed; the institution of a municipal death duty would enlist on the side of reform the powerful influence of the Local Authorities and the urban ratepayer.

20.—That the death duty alone among direct taxes could be easily graduated; and its extension would afford facilities for further graduation.\*

21.—That a system of “special death duties” exists in several of the States of the American Union.

On the other hand, it is contended:—

1.—That (as has been already argued),† the “owner” does pay

once, for death duty £90; B will pay only about £22 10s. A will pay, during the term of his wasting lease, income tax, house duty, and local rates. B will pay nothing but income tax on the £100 ground rent. (Sir Thomas Farrer, *Memo. Municipal Death Duty*, London County Council, Feb. 26, 1891.)

\* See “*Incidence of Imperial Taxation*.”

The introduction of the Estate Duty—an extra 1 per cent. on all estates above £10,000 in value—constitutes a first step in the graduation of these duties.

† See previous Sections.

his full and fair proportion of the burden of the rates ; and it would be unfair to levy a special and extra tax on his savings, which, as income, have borne their share of rates.

2.—That such a tax would diminish the saleable value of property.

3.—(a) That to assess and to levy a death duty for local purposes, would be a very difficult if not impossible fiscal operation. No distinction of locality for each portion of the property is made ; and no separate valuation is made of land and house property in different localities when owned by Corporations, or as partnership property.

(b) That, further, no capital valuation of property is made for succession duty at all, and to do so is a very difficult matter.

(c) That all sorts of exceptions and complications exist, that would make a local death duty very difficult of levy.

4.—That, except as part of a general reform of the death duties, the introduction of a special local duty would add still further to the existing complications of the duties ; and Parliament has not the time to devote to a thorough reform of the death duties.

5.—(a) That the amount of the additional revenue to be derived from a local succession duty would not be great.

(b) That the thirty millions of rateable property in London is not “realty” in the ordinary sense ; enormous deductions would have to be made from the nominal capital value of the property that would be brought under the tax.

(c) That the bulk of the rateable value of property in London consists of leasehold property. Leasehold property is already over heavily taxed—paying probate duty, succession duty, and contributing most of the rates—and it would be unjust, as well as inexpedient, to tax this property all over again by means of a municipal death duty.

6.—(a) That, unless the duty were placed specifically and solely on ground rents, the burden of it would be borne by the countless other interests, and only to a small degree by the reversionist or freeholder.

(b) That to place a duty on ground rents and not on any other portions of the ground value, would be unjust.

7.—(a) That a death duty must be uniform throughout the country ; local variations would be very unjust, as well as most

difficult of administration. An increased succession duty would have to be applied equally to land in rural districts, which already bears its full share of local burdens, as to land in towns which, it is alleged, is largely exempt from local charges.

(b) That, whatever may be the case in towns, land in rural districts is not in a position to bear any heavier burden of taxation.

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### “BETTERMENT.”

It is proposed that, where a permanent improvement is made in London at the expense of the rates, the London County Council should have the power of partly recouping themselves for the outlay, by charging the adjacent property, specially benefited by the improvement, with a special rent-charge, assessed on each separate property in proportion to the benefit accruing thereto.\*

The principle of “Betterment” is supported, on the grounds :—

1.—(a) That, where the value of the adjacent property has been directly and distinctly appreciated by expenditure on public improvements, it is just that a portion of the cost of the improvement should be borne by the property deriving a special advantage from the operation.

(b) That the increase in rental values, arising from public

\* This proposal was embodied in the “Strand Improvement Bill” of the London County Council, of 1890. The Bill was referred to a Committee of the House of Commons, who threw out the Bill. A similar proposal was contained in the General Powers Bill of the L. C. C. of 1892, applying to the Cromwell Road bridge. The bill was also referred to a Select Committee, and the “betterment” clause was thrown out by the casting vote of the chairman.

expenditure, should, as far as possible, be intercepted and prevented from falling into the hands of private individuals, who have contributed nothing to the cost, but whose property is accidentally and incidentally benefited thereby.

2.—That, at present, while those interested in the adjacent land and houses often gain enormously from the increased value of their property, due to the expenditure of municipal funds, the whole burden is thrown on the ratepayers at large.

3.—That, by a system of "betterment," a portion of the "unearned increment"—due to the outlay and industry of the community, would be saved to the community.

4.—(a) That the principle, that a special contribution towards local improvements should in equity be made by the inhabitants of the locality specially benefited, is already embodied in the law; inasmuch as a certain portion of the cost is often placed on the district in which the improvement is made, the balance only being a charge on the rates of the whole Metropolis.\*

(b) That the practical application of this principle is open to much objection, inasmuch as all the inhabitants of a particular district are specially rated, irrespective of whether or no the particular property in which they are interested has been improved, injured, or unaffected; while those outside the arbitrary area are altogether exempt from the special rate, though their property may have been benefited by the improvement.

5.—(a) That the principle of "betterment" applied to individual properties is at once more rational and more equitable.

(b) That, under it, no special contribution would be required except from those who were actually benefited.

6.—(a) That no individual would be injured. The circumstances of each property and of each interest in the property, would be judged on its own merits. The special rate would not be charged except where actual benefit accrued; and the burden would be proportioned to the benefit.

\* For instance, under the Metropolitan Improvement Act, 1889, the London County Council were authorised to purchase a piece of ground in Tottenham Court Road, to be used as an open space, and one half of the cost was charged on the ratepayers of St. Pancras, the other being charged on the whole of the ratepayers of the Metropolis.

(b) That the London County Council would not be the judge in its own cause. Security would be taken, in case of dispute, for proper judicial hearing and arbitration before a competent tribunal.

7.—That only a portion of the whole charge would be put on the individuals benefiting; the ratepayers at large would bear their share of the expenditure.

8.—That while private individuals should not suffer for the benefit of the public, neither should they gain at the expense of the community.

9.—(a) That, at present, when portions of a property are taken, the owner is usually remunerated twice; first, directly, for the portion taken, and secondly, indirectly, by the enhanced value of that part of the property not expropriated.

(b) That persons often receive payments for demolitions or alterations, which actually add to the value of their property; nothing is taken from them by way of contribution, though they may have secured enormous and double compensation.\*

10.—That the Act of 1882, amending the Artisans' Dwellings Acts, admitted the principle of "betterment" as regarded the demolition of "obstructive" (insanitary, etc.) buildings.

11.—That, as the principle of "worsement"—compensation by the public authority where a property has been depreciated in value by a public improvement—is already practically existent; the opposite principle of "betterment" ought also to prevail.

12.—(a) That to place a special rate for "betterment" directly on property, would do something (and this without interfering with existing contracts) to improve the existing incidence of rating, under which the whole of the rates are paid by the occupier.

(b) That the betterment charge would result in the part payment by the owner of the cost of permanent improvements from which he at present almost altogether escapes.

\* "Six feet, for instance, has been taken off a frontage, and instead of facing, as they have hitherto done, a mean court, or a wretched side of a street, they find themselves in a fine thoroughfare, and the remaining part of their property is worth twice or three times as much as the whole of it was before." (Report, Royal Commission on the Housing of the Poor.)

13.—That the great cost to the rates of public improvements, and the present unfair apportionment of the burden of the outlay, constitute a serious obstacle in the way of carrying through many public improvements urgently needed. Both these obstacles would be diminished by the adoption of the principle of "betterment."

14.—(a) That the alleged cost and difficulty of assessing the amount of charge to be paid, is greatly exaggerated; the difficulties of valuation and assessment (especially after the first few test cases had been decided) tend greatly to disappear in practice.

(b) That—as, now, in the case of compulsory purchase of land—the questions in dispute would usually be settled by private arrangement, and actual arbitration would not often be necessary.

15.—(a) That it is not expedient that the London County Council (or any other public Body) should purchase more land than it actually requires for its improvements. Such a course would tend unnecessarily to involve that Body in large financial transactions, and to give rise to the suspicion, if not the temptation, of malversation.

(b) That to have to buy up the area "bettered," in order to resell, would cause far greater disturbance and inconvenience to individuals, and would be a greater interference with the rights of property, than the application of the system of "betterment."

16.—(a) That the system of "Betterment," or special assessment, prevails in most of the different States of the American Union.

(b) That the principle has been adopted in New South Wales and other Colonies.

On the other hand, it is argued:—

1.—That a public end does not justify a private wrong; and many persons assessed to the "improvement charge" would in reality have been injured and not benefited by the public improvement.

2.—That the appreciation of value—arising from increased trade, etc.—accruing to one part of a district, is to a large extent only obtained to the detriment of other parts of the

locality, which suffer from the diversion of traffic, etc. If there is to be "betterment" there must equally be "worsement"; and, in the end, the local authority, after undergoing the worry and cost of attempted assessment, would pecuniarily be no better off than before.

3.—That the principle of "worsement" does not really exist; and the "injuriously affected" principle is of very limited application; and, this being so, it would be manifestly unfair to introduce the principle of "betterment."

4.—That the chief benefit of these great public improvements is reaped, not by the locality, but by the community at large.

5.—That while, no doubt, it is true that a certain number of persons are advantaged by a public improvement, as a matter of fact, it is not the expenditure of the public Body but subsequent private enterprise that improves the neighbourhood. A new thoroughfare, for instance, is advantageous for the general traffic, yet does not of itself raise local values; but it stimulates local owners to improve their property. This they will only do with a view to profit; and, if the anticipated profit is to be swallowed up by a special rate, the incentive to improvement will disappear.

6.—(a) That the difficulty, delay and expense of dealing with, and assessing, each separate case of alleged "betterment" would be overwhelming.

(b) That each interest in the property would have to be separately assessed; and, in nearly every property, there are at least three (or more) interests involved—freeholder, lessee, and occupier.

7.—That no means exist of accurately distinguishing between the proportion of the benefit that goes to the community and that which goes to individual owners.

8.—(a) That it would be impossible fairly to assess the benefit accruing in any individual case.

(b) That in many—probably most cases—the increased value accruing would be prospective and contingent. To assess the amount of this prospective gain, would be pure guess work, and real justice could not be done.

(c) That, in many cases, the value of a site could not be increased, unless the building on it were to be pulled down and a

new one more adapted to the improved position of the site erected. This increased value could not perhaps (under the terms of the lease) begin to accrue for a long term of years, perhaps would never accrue. To tax this hypothetical value immediately would be grossly unjust; not to tax it, if it accrued, would be unjust to the ratepayers at large.

9.—(a) That endless "hard cases" to individuals would occur.

(b) That, in every case, probably, either the community or the individual would advantage too much or too little.

10.—(a) That the assessment would give rise to endless friction, complaint, and litigation. Armies of surveyors would be engaged to outswear each other as to the benefits, or the reverse, that could, would, or should accrue to the property contiguous to the improvement.

(b) That the door would be opened to all kinds of jobbery, trickery, and corruption.

11.—That, thus, however good the principle, its practical application—and the application here is everything—would be enormously difficult if not impossible.

12.—That, for all practical purposes, the power that already exists of specially charging on a particular district a portion of the cost of the improvement is sufficient and satisfactory. It proceeds on well-known public lines. It deals with the community as a whole, it makes no class or individual distinctions; it is neither costly nor difficult of administration.

13.—(a) That the true policy of the London County Council is to foster and not to discourage private enterprise and expenditure, and to reap its harvest at the quinquennial valuation.

(b) That, under the quinquennial valuation, the assessment of the property to the rates is increased, and the "unearned increment" is taxed exactly in proportion to the benefit received.

14.—That the London County Council should extend the area of its compulsory purchase: should acquire, at its present value, the property likely to be really and largely benefited, and subsequently should re-sell at the improved value.

15.—(a) That, far from encouraging the extension of public improvements, the adoption of the principle of "betterment" would in every case of proposed improvements, raise up overwhelming local opposition to the scheme.

(b) That it would cause endless and bitter strife between the Local Authority and the owners and occupiers of the property within the area scheduled.

16.—That for two or three years—while the charge was being assessed—dealings in the property affected would be paralysed.

17.—That the institution of a rent charge, tends to limit the power of the owner over his property—converts a freehold into a leasehold.

18.—That it would either involve interference with contracts ; or else the special charge would, like the other rates, in the end fall exclusively on the occupier.\*

19.—(By some.) That the principle of “betterment,” if adopted at all, should be adopted by a public Act applying to every case, and not be introduced by a side wind in a private Act applying to a particular case only.

\* See Section on *Ground Values*, pp. 307-9.

## INCIDENCE OF IMPERIAL TAXATION.\*

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THE question of reforming the incidence of Imperial taxation has been raised, and, it is contended, that the existing system of taxation should be so altered, as to press less heavily on the poorer classes, and more heavily on the richer classes.

No definite scheme of reform is before the country; but it is generally contended that indirect taxation should be somewhat reduced, and that direct taxation should be somewhat increased; and that the latter should be graduated according to the amount and the character of the income or property; and imposed, either in the form of a graduated Death Duty, or in that of a graduated Income-tax, or both.

This proposal is supported on the grounds :—

1.—That something ought to be done to reduce the inequalities of wealth, and this can be most conveniently

\* In the earliest editions this section stood under the heading of "Direct and Indirect Taxation," and the question of the retention or non-retention of the Income-tax was argued out. But since the book first appeared in 1880, the question of the retention of the Income-tax—brought prominently forward by Mr. Gladstone in 1874—has been practically settled in the affirmative, and the further question is now rapidly coming to the front, whether the Income-tax itself should not be maintained at a high figure and also be graduated.

accomplished, and without hardship to individuals or injury to property, by an alteration in the incidence of taxation.

2.—(a) That property must increase its "insurance," and its "ransom."

(b) That each man ought to pay in proportion to the protection and security he enjoys. At present the poor man, who has little to preserve, pays far more in proportion to the advantages he obtains.

3.—(a) That the burden of taxation ought to be distributed according to the ability of the tax-payer;\* the heaviest burden should be placed on the shoulders best able to bear it.

(b) That the present system of taxation is fundamentally unjust. Though it may be "equality of contribution," it is not "equality of sacrifice"—the true principle of taxation—for a millionaire to pay the same amount in proportion to his income as a working man.

4.—(a) That necessary expenditure ought to be lightly taxed, and only superfluities heavily taxed.

(b) That while the greater part of the income of a rich man is expended in superfluities and enjoyments, the margin remaining to a poor man over and above his necessities is infinitesimal.

(c) That though it may be true, that in the end all taxation comes out of the wage fund, and therefore affects all classes alike, the immediate pressure of the taxation is felt most by those with very limited incomes, to whom every penny is of great and direct importance.

5.—That indirect taxation presses much more heavily on the poor than on the rich; heaviest in proportion on those

\* "The subjects of every State ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the State."—*Adam Smith*.

who have the smallest means. Custom and excise duties being mostly (and rightly so) specific duties,\* the cheaper description of goods, namely those chiefly consumed by the working classes, pay a far heavier duty in proportion to their value than the dearer.†

6.—That this inequality of taxation can be best reduced by increasing the burden in proportion to the amount of property taxed, and this can only be done by means of direct taxation.

7.—That it cannot be unjust for the rich to pay taxation in equal proportion to the poor. The injustice lies in forcing the poor, as at present, to pay more in proportion than the rich. The benefit of the doubt should be given in favour of the poor rather than of the rich.

8.—That land especially has escaped its fair share of taxation, in consequence of the lighter "death duties" to which it is subject compared to those levied on personal property.‡

9.—(a) That precarious incomes pay as much income-tax as those derived from realised capital, though much of the former has to be treated by the recipient as capital and not as expendable income.

(b) That those who, at present, suffer most from the burden of taxation, are the poorer class of income-tax payers, who are severely hit, both by direct and indirect taxes; and it is just that the richer classes should pay a higher income-tax in order to relieve them.

\* A "specific" or "rated" duty is one that is levied on bulk or according to quantity, and takes no account of the value of the goods; an "ad valorem" duty is one that varies according to the value.

† The tobacco duty, for instance, constitutes a tax of considerably over 1000 per cent. on the cheapest kinds of tobacco, and one of under 10 per cent. on the best class of cigars.

‡ See "*Handbook to the Death Duties.*"

10.—(a) That the principle of a graduated income-tax is already practically conceded. The exemptions and abatements which exist in the assessment of the income-tax already graduate that tax up to a certain point.\*

(b) That the introduction of the "Estate Duty"—a special death duty on estates of £10,000 and upwards—has introduced the germ of the principle of graduation into the Death Duties.

(c) That the death duties are graduated already according to relationship; while they are also differential in favour of realty.

11.—That an injustice does not obtain a prescriptive right to continue because it is one of long standing, but ought rather the sooner to be abolished.

12.—That a larger amount of income should in any case be derived from direct than from indirect taxation, inasmuch as the former is less costly to levy, and causes less interference with the process of trade and manufacture, and being more obvious and more irksome, is more likely to stir up public opinion in favour of economy; while a man can entirely escape all indirect taxation.

13.—(By some.) That though all indirect taxation could not and should not be abolished (certainly not that derived from taxes on intoxicating liquors), its pressure might be considerably relieved by the abolition of the remaining taxes on articles of food.

14.—(By some.) That a system of graduated taxation,

\* Under the present law all incomes under £150 are exempt; on incomes up to £400 a year, £120 is first deducted before the tax is assessed. The result of these exemptions and abatements is that, with the Income-tax at 3*d.*, an income of £150 pays nothing, one of £180 pays at the rate of about  $\frac{1}{4}$ *d.* in the £, one of £250 at the rate of 1*d.* in the £, one of £350 at the rate of 1½*d.* in the £, one of £400 and above at the rate of 3*d.* in the £. For a detailed history of the Income-tax see *Finance and Politics*.

by producing a much larger revenue, would enable works of public utility to be undertaken.

On the other hand it is contended:—

1.—(a) That wealth, as such, ought not to be specially taxed. Each member of the commonwealth should bear his fair measure of its expenditure, and indirect taxation being taxation on expenditure is fairer than direct, which often includes the taxation of savings.

[It is generally conceded, however, that both forms of taxation should be levied in due proportions.]

(b) That the incomes of all should be taxed in arithmetical proportions—an income of £4000 should pay ten times as much as one of £400, as it does at present—but should not be taxed in fancy proportions.

2.—(a) That all taxation, whether direct or indirect, by affecting the wage fund, ultimately falls on the whole community; on the poorer as well as on the richer classes.

(b) That the income of everyone, rich or poor, is either spent or saved. If spent, it gives employment; if saved, it increases the wage fund. It cannot be made to do double duty; and though a greater amount of taxation might be obtained from the rich, to that extent would their powers of employment be diminished. The whole question is one of incidence, not of increased means, and no increased public and local expenditure could be undertaken on the strength of the taxation of the rich, without a corresponding diminution of the ordinary employment of the working classes. Yet a system of graduated taxation is chiefly advocated on the ground that by its means increased national and local expenditure could be undertaken.

3.—(a) That any system of graduated taxation, of taxation on wealth, instead of merely shifting a burden, would cripple

industry, would diminish the incentive to thrift, would drive capital out of the country, and thus, in the end, would impoverish the nation, diminish the revenue, and injure, primarily, the working classes.

(*b*) That capital and labour are not antagonistic ; to over-tax the former is to injure both. Capital is essential to labour, not an enemy to be ransomed or enslaved.

4.—(*a*) That if there ought not to be taxation without representation, there certainly should not be representation without taxation ; yet, if all taxation were direct, the working classes would escape it altogether.

(*b*) That, more especially, indirect taxation should not be diminished now that the franchise has been largely extended.

(*c*) That it is essential to the peace and prosperity of the country that the working classes should bear a considerable portion of the burdens of the Empire.

5.—(*a*) That as the minority would pay the greater share of taxation, the majority would be inclined still further to graduate taxation, and to enter on extravagant expenditure, of which they would bear no adequate proportion. The principle of graduated taxation once admitted, would form a most dangerous precedent.

(*b*) That already the national expenditure, Imperial and Local, is far too heavy, and any incentive to increased expenditure would be nothing short of a calamity.

6.—That any system of graduated income-tax would tend to set class against class, the poor against the rich.

7.—That all estimates of the taxation of individuals or of classes are fallacious, and worthless for purposes of comparison. It is impossible to say what proportion of taxation is borne by any one class, and what by another ; it is impossible indeed to draw the line between classes themselves.

8.—(*a*) That any inequality which may exist in the payment of indirect taxation is fully redressed by means of the

income-tax as now levied, the house-tax, and the legacy, probate, and succession duties.

(b) That when the question of the incidence of taxation is considered, the whole burden of taxation, Local as well as Imperial, must be taken into account in deciding what burdens land, capital, and labour—the three factors which have to contribute—do bear, and should bear.

9.—(a) That the exemption given on the income-tax was given in order to cover all those incomes which are derived from manual labour, from wages as distinct from salary or earnings.

(b) That the abatements given under the income-tax are, in no way, in the form of graduation, *i.e.*, the higher the income, the heavier the tax. They were introduced, not as an increased burden on the more wealthy, but as a relief to the poorer classes of income-tax payers, who suffer most from taxation.

(c) That the Estate Duty implies no graduation of the Death Duties. Total exemption is given on estates below £10,000, equivalent to the incomes under £400 a year, which are allowed abatement under the income-tax. On estates above £10,000 the tax is uniform.

10.—That the total taxation on land is already overheavy, and to increase it would tend still further to discourage small purchasers, and would diminish and not increase the number of landowners.

11.—That, taking taxation as a whole, there is equality of taxation on permanent and on “precarious” incomes.\*

\* The Commissioners of Inland Revenue, in their Report for 1884-5, point this out, and give as an instance the case of two men :—A. appointed to a place worth £600 a year, and B. succeeding to £20,000 of Consols, which will also produce £600 a year. Both pay Income-tax, amounting in thirty years to, say, £450, but B. pays in addition £600 Probate Duty not paid by A., so that in thirty years one has paid £1,050, the other only £450, and they

12.—(a) That if the graduation is to be on bequest or inheritance, its incidence would depend entirely on length of life.

(b) That such graduation of taxation would tempt to fraudulent evasion by grants of property during life.

13.—(a) That if the graduation is to be effected by a graduated annual income-tax, the tax will be difficult or impossible to collect, and lead to much fraud. At present the income-tax is collected at its source; and, as assessed under some of the schedules—incomes derived from Government and other securities, official salaries, &c.—is automatic, being a uniform tax, while it is comparatively easy of collection under the other schedules. If, however, a system of graduation were introduced, everyone would have annually to declare the whole amount of his income.

(b) That, at present, the income-tax leads to much fraud and evasion—the honest pay, while the dishonest partially escape. If the income-tax were graduated, the temptation to fraud and evasion would be very largely increased.

14.—That the income-tax is unfair, inasmuch as it taxes in the same proportion incomes derived from earnings and those derived from invested capital; and that from its very nature it is impossible to place it on an equitable basis. To graduate it, would be still further to accentuate its unfairness.

15.—That it is inexpedient to levy further income from direct as against indirect taxation, inasmuch as direct taxation does not touch the poorer classes, and does not bring home to them, as does indirect, the personal interest which they have in national economy, and the evils of war and of national extravagance.

have both received the same amount of income. But, against this it may be pointed out, that, if the two men have throughout spent the same amount, at the end of the thirty years B. will still be some £19,400 better off than A.

16.—That the power of increasing the income-tax on a sudden emergency would be largely discounted if it were already a graduated tax levied at a high rate.

17.—(a) That indirect taxation produces the largest return with the least friction.

(b) That largely to reduce indirect taxation would involve a disproportionately increased cost of collection.

(c) That it would necessitate the reduction or remission of taxation on intoxicating liquors (from which most of the indirect taxation is derived), and thus, their increased consumption would be encouraged.

18.—That the attempts formerly made (in 1377, 1641, 1698, and partially in 1798) to impose a form of graduated income or poll tax were eminently unsuccessful in their results.

19.—That the existing system of taxation—which is of slow and steady growth, and which has been constructed, elaborated, and adjusted with the greatest possible care—has worked successfully, and without friction or discontent.

20.—That the wealthier classes have on the whole used their wealth in a judicious and public-spirited manner.

[Many who are opposed to any system of graduated taxation are in favour of an inquiry into the whole question of the incidence of taxation, especially in regard to the incidence of the income-tax.]

## RECIPROCITY OR "FAIR TRADE." \*

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THOUGH the question of "Reciprocity" is still but a "pious opinion," it may be worth while to give the arguments advanced for and against the proposal to impose reciprocal duties on foreign manufactured goods. The question of the re-imposition of a duty on corn, is not sufficiently within the range of practical politics to entitle it to discussion here.

A system of Reciprocity is supported on the grounds :—

1.—(a) That Reciprocity is in no way "Protection." The evils of Protection and the advantages of Free Trade are acknowledged ; but a weapon of retaliation is necessary in order to bring protectionist nations to their senses, and to force them to accept Free Trade.

(b) That England has deliberately stripped herself of the weapons by which the war of tariffs must be fought ; and these she must resume in order to retain her commercial superiority.

2.—That free trade was intended to create a free interchange of goods all the world over, and this would have

\* The question of Reciprocity or "Fair Trade" is argued out in much greater detail (with figures, &c.) in the second edition of the *Political Manual*. In one of the Cobden Club Leaflets (published 1885), I have endeavoured to show by figures the *Impossibility* of adopting the fiscal policy of "Fair Trade."

been beneficial; such a result has not, however, ensued, and therefore true "free trade" does not exist, but only one-sided Free Trade. That is, we have opened our markets free to the world, and every one is at liberty to sell us what they like; whilst other countries have not in return opened their markets to us, and by their import duties they have hindered us from selling our goods to them.

3.—(a) That while universal free trade would benefit the world, partial free trade injures the country which adopts it.

(b) That, in consequence of their import duties, our trade to most of the chief protective countries has of late years shown a continual decline; while their exports to us continue to increase. Moreover, fostered by Protection, their export trade has of late, as a whole, increased in a greater proportion than ours.

(c) That our different industries are gradually and surely being destroyed; when once destroyed, they can never be revived, other nations will obtain the lost trade, and England will be ruined.

(d) That, more especially, under our system of free imports, manufactured goods, which could be satisfactorily produced in England, are allowed to flood the home market, thus depriving the English working-men of work and wages, without benefit to the country at large.

4.—That reciprocity is the keystone to free trade, and without it the latter cannot exist.

5.—(a) That under a system of reciprocity, only those industries would be protected which were indigenous to the soil, and which had shown that with fair treatment they could hold their own.

(b) That as our manufacturers are hampered by Factory Acts, Mines Acts, Merchant Shipping Acts, etc., burdened by heavy rates and taxes, &c., they cannot, without the help of partial protection, successfully compete with those of other

nations; and as these restrictive laws have been imposed upon them by the legislature, they may fairly ask for compensating protective assistance.

6.—(a) That it is idle to expect other nations to adopt the principle of free trade unless we retain in our hands the power, by retaliation, of forcing them to adopt it, at least as regards our goods; while, if they refused to come to terms, we should be able to continue to tax their goods so long as they taxed ours.

(b) That the imposition of reciprocal duties, would give us a leverage whereby we should be enabled to negotiate fair commercial treaties with other countries; be saved from their hostile interference or caprice, be less dependent on them for our supplies of goods and food; and, in the long run, we should be buying in the cheapest market and selling in the dearest.

7.—(a) That the welfare of the consumer is bound up with that of the producer; the purchasing power of the former depends entirely on the continuance of profitable industries at home. The disappearance of the producer would reduce the consumer to beggary. Most men are actual producers as well as consumers, while those alone who are consumers and not producers would suffer without compensating gain from reciprocal duties; and such persons are of little value to the country.

(b) That if commercial and manufacturing interests were protected, the whole nation would benefit.

8.—That though Reciprocity would cost the consumer something, the chief weight of the import duties would fall on the foreign importer; moreover taxes would be reduced by the amount of revenue derived from the duties. While, even if the consumer had to bear the whole cost, he would be better off in the end, than if the manufactures and trades of the country were allowed to be ruined.

9.—(a) That though trade and property returns—which can be made to prove anything—may be quoted to show that the country is accumulating wealth, it is certain that the wealth—if it exists—has not descended to the working and operative classes.

(b) That while in protectionist countries wealth is daily becoming more generally distributed between the different classes, the converse is the case in free-trade England.

10.—That, as under a system of reciprocity, the working men would obtain more regular employment and higher wages, they would be better off, even though the prices of certain articles of consumption were somewhat increased.

11.—(a) That the rapid increase of late years in the wealth of Great Britain has not been due to the adoption of free trade, but to the invention of telegraphs, improvement in machinery, extension of railways, &c.\*

(b) That France and the United States have acquired their wealth in consequence of their system of Protection.

12.—That as our imports largely exceed our exports, we must be consuming our capital, and are in danger of national bankruptcy.

13.—That as we at present raise large revenues from import duties on certain articles, we are not really carrying out a system of free trade; and there would be nothing illogical in increasing and extending these duties.

14.—(a) That our policy of free trade alienates to a certain extent the affections of our Colonies; to prevent themselves from being undersold in their own markets, they are obliged to impose heavy protective duties.

(b) That free trade with our Colonies and Dependencies, and reciprocal duties with other countries, would be the

\* For a discussion of this question, see Chap. VII. of *Finance and Politics*, Vol. I.

best system of trade, for it would increase the wealth of the Colonies, and more firmly unite them with Great Britain; whilst such a federation would give a powerful leverage in negotiating commercial treaties with other nations.

15.—That Great Britain alone has adopted free trade; and it is presumptuous to assume that we are necessarily in the right and all other nations necessarily in the wrong.

On the other hand, any imposition of reciprocal duties is resisted on the grounds:—

1.—That Reciprocity is simply Protection “in a fancy dress”; any imposition of import duties must act as a protection to some industry.

2.—(a) That the fewer the obstacles in the way of trade the better will it flourish; capital, if let alone, will find out the most profitable investment; while State interference would force it into some unnatural channel.

(b) That free trade enables us to “purchase in the cheapest and sell in the dearest market”; and any restrictions must alter this for the worse.

3.—That the result of the adoption of a policy of reciprocity, would be the artificial protection of special industries, without any reference to the advisability of encouraging them. The State might thus help to bolster up a feeble trade, which would not naturally flourish, and the capital invested in which could be better employed in some other way.

4.—That reciprocal duties, once imposed, could never be repealed—the trades, enervated by protection, would be less able than before to stand against free competition.

5.—That though undoubtedly the protective system adopted by other nations injures our trade, even partial

free trade is better for us than none at all. We import foreign goods free, for our own benefit, not for that of other nations.

6.—That though the extension of railways, &c., gave a stimulus to trade, its wonderful expansion has been caused by the abolition of protective duties. During the twenty years before the adoption of free trade our exports and imports were almost stationary.\*

7.—(a) That the periods of depression of trade are not confined to Great Britain, but are more severe in countries under Protection.

(b) That if it had not been for free trade, and the consequent low prices, distress would have been much more prevalent in Great Britain during the periods of depression.

(c) (By some.) That the depression in our trade is by no means so great as is generally supposed. In consequence of the fall in prices, such large profits are not indeed made, but wealth is more generally diffused.

8.—That the excess of the value of our imports over our exports indexes the amount of our foreign investments and wealth, and the profits on our trading and shipping, &c. ; it does not in any way show that our expenditure exceeds our income.

9.—(By some.) That the present system of partial free trade, is, on the whole, beneficial to England, especially in regard to the United States of America. If America were not handicapped by her protective system she would constitute a most formidable commercial rival to England.

10.—That while Reciprocity is founded on the theory that the injury of one nation is the benefit of another, the exact reverse is the truth ; the wealthier a country becomes, the greater is its purchasing power, and the more it will

\* See note, p. 349.

be able to buy of other countries. The wealthier all nations become, the greater will be the trade which each will be able to do with all; and England, being by far the greatest trading country, will benefit the most.

11.—(a) That free trade, by allowing each country to produce that which it can most easily grow or manufacture, promotes division of labour and economy, in their best and most extended sense; while, by leaving them unfettered, it enables capital and labour to find out the most profitable fields for investment.

(b) That, therefore, while Free Trade gives us economy, cheapness, multiplicity of markets, energy, self-reliance, and wealth; Protection, in the guise of Reciprocity, would have the reverse effects.

12.—That England, unlike other nations, depends to a very large extent on her foreign trade. The imposition of protective, or reciprocal, duties would reduce our imports—*i.e.*, our purchases—and by the amount of that reduction would the power of other nations to take our exports—*i.e.*, our sales—be diminished.

13.—(a) That it would be impossible to protect one branch of manufacture or commerce without protecting all, and thus prices would be raised all round.

(b) And, consequently, goods could only be produced at a greater cost, and we should be in a worse position to compete with other nations, either in their own or in the neutral market, and thus again we should cripple our enormous foreign trade. Protective duties are injurious to the trade of the nation which imposes them.

(c) That the cost of production, and consequently the price of our goods, being increased, foreign nations would be the less able to purchase them—an increase in price checks demand.

14.—That though, at the moment of imposition, pro-

protective duties might benefit the manufacturer or farmer, the inevitable rise in the price of all commodities would soon make them worse off than before; while the landowner would absorb any benefit the farmer might hope to derive.

15.—That even if working men obtained more employment (which is denied) and higher wages, in consequence of Protection, they would be none the better off—the price of commodities would rise in a still greater ratio, and the purchasing power of money would be diminished.

16.—(a) That the law would be wronging the consumer if, for the sake of some possible profit to some possible producers, it prevented him from buying in the cheapest market.

(b) That the consumer has a right to buy where and how he likes, and the producer a right to sell where and how he can. Moreover, the producer exists for the sake of the consumer, not the consumer for the producer.

17.—(a) That a policy of retaliation would be *impossible*.\* Our imports (total 1890, £420,000,000) consist of articles of food (£137,600,000), raw materials (£141,600,000), articles of consumption already highly taxed—wine, spirits, beer, tea, tobacco, &c. — (£22,600,000), semi-manufactured articles (£32,200,000), wholly manufactured articles (£48,600,000), and miscellaneous (£36,100,000). Practically it is not proposed by Fair Traders to levy a duty on *articles of food*; the imposition of import duties on *raw materials* or *semi-manufactured articles*, would, it is universally acknowledged, greatly injure our own manufactures, by raising the cost of production; the “*articles of consumption*” are already highly taxed for revenue purposes, while to tax the “*miscellaneous*” would be costly and troublesome. Thus there remain, for purposes of retaliatory duties, only the imported

\* This argument is discussed at length in the Cobden Club Leaflet already mentioned.

*manufactures*, which amount to about £50,000,000, and which, for the most part, consist of numberless articles of fancy wear, &c., which do not compete with home goods, and which would not repay taxation.\*

Of our exports (total, 1890, £328,000,000, including £65,000,000 foreign and colonial produce) about £210,000,000 consist of manufactured goods, and £40,000,000 of semi-manufactured goods, all open to the attack of foreign countries by the imposition of additional, or retaliatory duties.

Thus our powers of attack, as compared to foreign powers of retaliation, are, at the best, but in the proportion of one to five, making it practically impossible for us successfully to retaliate on foreign countries.

(b) That, with the single exception of France, we export to every protectionist country a greater amount of manufactured goods than we import.

(c) That the heavy duties of protective countries are imposed chiefly with a view of keeping out British goods; and our attempted retaliation would not induce these countries to accept our goods, but would the rather irritate them into the imposition of increased duties. And our powers of attack are, as stated above, far less than their powers of retaliation.

18.—That it would be madness to reverse our whole commercial and fiscal system, and disorganize our foreign trade of over 700 millions, for the sake of attempting to tax some 20 to 30 millions of foreign manufactures.

19.—That hostile tariffs are best fought by free imports.

20.—That, even if it were advantageous to retaliate on certain countries, and to impose reciprocal duties, we are

\* Such as china, clocks, artificial flowers, painters' colours, toys, watches, drugs, &c. Silk, woollen, lace, and cotton goods (amounting to a value of almost 24 millions) are the most easily open to "reciprocal" duties.

practically precluded from adopting such a policy from the fact that our hands are, to a large extent, tied in consequence of our numerous Commercial Treaties, many of which have yet many years to run, and all of which contain a "most favoured nation clause." \*

21.—That it is either intended to impose reciprocal duties temporarily for a set purpose, or it is not. If not, the proposal involves pure protection; if the former, the imposition and the subsequent repeal of the reciprocal duties would involve a double disturbance to trade.

22.—That the adoption of reciprocal duties would be an acknowledgment that we no longer believed in free trade.

23.—That it is perfectly compatible with real free trade, to impose import duties for revenue purposes only; and this is all that is done—(i) by levying import duties on certain articles not produced at home, and therefore not competing with home produce or manufactures; (ii) by levying a custom duty equal to the excise duty imposed on articles of domestic production.

24.—(a) That it is impossible to make out exactly what fiscal policy the fair-traders desire to see adopted, or to understand how they would reduce it to practice.

(b) That "on the points on which they are precise they are not agreed, and on the points on which they are agreed they are not precise."

\* That is to say, that any fiscal privilege or advantage, any reduction or remission of duty granted by one contracting nation to any other, must be equally and simultaneously extended to all contracting nations; and *that no restriction or additional duty* can be applied to the country to which the "most favoured nation" treatment has been granted unless it be *applied universally*.

## CAPITAL PUNISHMENT.

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THE abolition of Capital Punishment is advocated on the grounds :—

1.—That human life is too sacred to be destroyed.

2.—That capital punishment has not put an end to murder; while executions familiarise the public with slaughter, and thus rather promote than restrain murder.

3.—That the administration of justice being in the nature of things fallible, death, if inflicted at all, will sometimes be inflicted on the innocent.

4.—That the existence of the punishment of death for murder increases the difficulty of inducing juries to convict for that crime; while it leads to groundless pleas of insanity being raised and readily accepted, and consequently to the escape of some criminals from justice.

5.—That, to the would-be criminal, the prospect of penal servitude for life would be just as effective a deterrent as hanging.

On the other hand, the total abolition of Capital Punishment is opposed on the grounds :—

1.—That the State is justified in taking the most effectual means to prevent murder.

2.—(a) That punishment is not solely intended for the

prevention of crime, but is also a vindication of justice by society; and death is the just penalty of murder.

(b) "Que Messieurs les assassins commencent!"

3.—That a murderer has, by his deed, forfeited all his right to mercy from the State.

4.—That as a murderer cannot with safety be allowed to work out his punishment and go free, there is no chance of his social reformation, and the State is justified in ridding itself of a pest.

5.—(a) That if all fear of capital punishment were taken away, many minor offences, such as housebreaking, burglary, aggravated assaults, &c., would be more likely to lead to murders.

(b) That it prevents many murders which would otherwise be premeditated.

6.—That capital punishment must be retained as a last resource, otherwise there is nothing absolutely to deter a felon, sentenced to penal servitude for life, from attempting over and over again the murder of his gaoler in revenge or with a view to escape.

7.—That capital punishment is now rarely inflicted, and only in aggravated cases of murder.

8.—That where there is any moral or legal doubt of the actual guilt of the criminal, capital punishment is now never inflicted; it is, therefore, almost certain, that no innocent persons suffer death at the hands of the law.

9.—That executions being now conducted in private, the public are not familiarised with a degrading spectacle.

## MARRIAGE WITH DECEASED WIFE'S SISTER.

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It is proposed to legalise marriage with a Deceased Wife's Sister, on the grounds:—

1.—That these marriages are no breach of the law of God, whether written or unwritten.

2.—That they are no trespass on the rights of others.

3.—That therefore men should be allowed freedom in this respect.

4.—That it is an infraction of the principle of religious liberty to make the laws of the Church of England binding on those who do not belong to that Church.

5.—That kinship by marriage being in no way the same as kinship by blood, this concession would not lead to a demand for further relaxation in the prohibited degrees of affinity.

6.—That as the law, in the matter of succession duties, treats the sister-in-law as a stranger, it is illogical that, in the matter of marriage, it should treat her as a close relation.

7.—(a) That even now it is very difficult without impropriety for the sister-in-law to live alone with the widowed brother-in-law; the sister, not the sister-in-law, is the natural guardian of the children.

(b) But that the sister of the deceased wife is the most natural, and will be the most loving stepmother to the children.

8.—(a) That as only fifty years ago these marriages were recognised as valid for all practical purposes, and the children were considered as legitimate, public opinion has never been strongly against such marriages.

(b) And that consequently the law is often broken, and innocent children suffer from the brand of illegitimacy.

9.—That where the law is not broken, its restriction often leads to immorality.

10.—That these marriages are permitted in all other parts of the Empire, and consequently the prohibition in Great Britain leads to much scandal and inconvenience.

11.—That a “widower re-marrying, would not then have two mothers-in-law!”

On the other side, the legalisation of such marriages is withstood on the grounds :—

1.—That the Levitical Law, and the Church, in consequence of her interpretation of the Levitical Law, forbids such marriages, and her prohibition should be binding.

2.—(a) That kinship by marriage is equivalent to kinship by blood, and any concession would lead to further demands for relaxation of the prohibited degrees of affinity.

(b) That one relaxation in the marriage laws would certainly lead to others, and morality would suffer.

(c) That the restrictions on marriage are a mark of civilization, and to diminish them would be a step backwards towards barbarism.

3.—(a) That it is the province of the law to save men from annoyance as well as to secure their rights; and great discomforts would arise from the legalisation of these marriages.

(b) That it would cause jealousy and rivalry between the

sister and the wife, and would lead to social inconvenience and loss of pleasurable social intercourse.

(c) That, except by the marriage, it would render the care of the deceased sister's children impossible by the sister-in-law, a very common and most natural arrangement ; while marriage may raise up rival claimants for her affections nearer and dearer to her.

4.—That the change in the law is demanded merely by those, who having already broken it, wish to be absolved from the consequences of their illegal action.

## SUNDAY OPENING OF MUSEUMS, &c.

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It is proposed to legalise the opening of all National or Local Museums, Picture Galleries, &c., on Sundays,\* on the grounds:—

1.—That as all contribute towards the maintenance of these buildings, it is unfair to close them on the only day on which the mass of the people can visit them.

2.—(a) That the contemplation of works of art and interest, &c., has a refining, elevating, and educating effect on the mind, and would be to the moral, mental and social advantage of the people.

(b) That the superiority which foreign operatives possess over the English in matters of taste and fine workmanship, is largely due to the opportunities the former possess of contemplating and studying works of art, &c.

3.—(a) That the opening of these buildings would constitute for the working classes, who alone are really affected, a powerful counter attraction to the public-house—at present the only place of resort open to the working man upon his only holiday.

(b) That more especially would it tend towards improved family relations, all the members could with advantage visit the galleries, &c., together.

4.—(a) That anything which tends to increase the innocent enjoyments of life should be encouraged.

\* It is usually proposed to open them only after 1 o'clock, so as not to interfere with morning service.

(b) That more especially is it to the interests of religion and morality that Sunday should be made brighter and pleasanter—a day of recreation and reasonable enjoyment, not one of gloom and inanity.

5.—(a) That the religious scruples of some should not stand in the way of the innocent enjoyment of others; none need frequent these places unless they choose.

(b) That the Divine injunction to the Hebrews to rest on the Saturday, can hardly be taken to imply that we may not contemplate works of art on the Sunday.

6.—That the opening of these public buildings on Sunday would in no way tend towards the desecration of the Sabbath—there is a vast difference between throwing open public buildings, and legalising the opening of speculative places of entertainment.

7.—(a) That the so-called “continental” Sunday is due entirely to the general habits and manners of the people who indulge in them, and would in no way be attained or approached by the opening of Museums, &c., in England.

(b) That the working classes, through their Trades Unions and in other ways, are quite able to protect themselves from any imposition of Sunday labour.

8.—(a) That the number of people who would be required to work on Sunday, in consequence of the opening of these buildings, would be insignificant, and would add very few to those who, for the pleasure or convenience of the public, are now obliged to work on that day.

(b) That therefore there would be no increased tendency towards Sunday labour.

(c) That the gain to the many should outweigh the inconvenience to the few.

9.—That in many places Sunday opening has been locally tried, and with great success.

On the other hand, the proposal is opposed on the grounds:—

1.—That it would be contrary to the Divine injunction that we should rest on the Sabbath.

2.—(a) That the proposal is only the thin end of the wedge; if “free” places are thrown open on Sunday, theatres and speculative places of amusement would soon be also opened on that day, and the British Sunday would gradually tend to become “Continental.”

(b) That consequently the working classes would ultimately be expected to work seven days a week—probably without any increase in wages.

(c) That the absolute rest on one day in seven has greatly benefited the nation physically, morally, and mentally.

3.—That the argument for a universal half holiday on the Saturday would be weakened, if the Sunday were available for visiting the galleries, &c.: and this would be calamitous.

4.—(a) That those who would visit these places, are not those who frequent public-houses on Sunday—no counter-attraction to the public-house would therefore be constituted.

(b) That, on the other hand, those who were attracted from a distance to visit the collections, would be perforce constrained to enter the public-houses in order to obtain necessary refreshment.

5.—(a) That in any case it would involve a large amount of work on Sunday on the part of the custodians of these buildings, and it is unfair to demand such labour from some merely to give pleasure to others.

(b) That the tendency of the time is to reduce Sunday labour as far as possible—witness the suspension of the Sunday post in London, &c.—not to increase it.

6.—That where a Sunday opening has been tried by local

bodies, the experiment has been so unsuccessful that the Collections have usually again been closed.

7.—That even if it be in the abstract advisable, such a change should not be undertaken without the manifest wish of the vast majority of the working classes—who alone would be affected—and at present the majority are opposed to the opening.

8.—That no educational advantage is gained by uninstructed gazing at pictures and works of art; the opening on Sunday would have to be followed by instruction on Sunday.

## THE IMMIGRATION OF UNDESIRABLE ALIENS.

— ♦ —

It is proposed to check the free flow of foreign poverty-stricken and low-class immigrants into the United Kingdom, by legislation directed against such Immigration.

It is not easy to arrive, with any accuracy, at the number of foreign immigrants that annually settle in this country; nor at the number of foreigners actually resident in the country. The Census returns of 1871, 1881 (that of 1891 is not yet complete) show respectively a foreign population in the United Kingdom of 114,000, and 136,008.\*

But these figures only include those who return themselves as born out of Great Britain, and do not include the naturalised foreign element; while the figures are untrustworthy, inasmuch as the tendency, on the part of the foreign working-class element, would be to return themselves as British subjects. There are no returns of foreign immigration on which any real estimate of the annual influx (apart from the outflow) of foreign immigration can be based. Under the Alien Act of William IV. (6 Will. 4, c. 11) it is the duty of the master of a vessel arriving from a foreign port, to make a return of the aliens brought over in his ship. This Act had, until 1890, become practically a dead letter.

\* Germans 49,000, French 16,000, Russian 15,000, American 20,000.

The Board of Trade have lately somewhat revived it; and now issue monthly returns, which are not however even professedly accurate or complete, of the number of aliens arriving from the Continent at ports in the United Kingdom, dividing them into "aliens en route to America," and "aliens not stated to be en route to America," but it must not be necessarily understood that the latter "came to this country for settlement." These returns, up to date, show that in the twelve months ending December, 1891, 98,400 aliens arrived "en route to America," and 38,150 others "not stated to be en route to America;" total 136,550.\*

The legislative restriction on Foreign Immigration is supported on the grounds:—

1.—That the unrestricted influx of foreigners—whether actually paupers or no—is very injurious to the country; inasmuch, as they overcrowd the labour market, displace English labour, and lower the standard of living of the British working man.

2.—That the Census figures of "foreign residents" are totally fallacious, as representing the real foreign element in the country; a large proportion of the immigrants either have actually become, or return themselves as, British subjects, and yet to all intents and purposes remain aliens.

3.—(a) That the influx of foreign immigrants intending to settle in England, and especially in London, is large, and is ever increasing in volume; and the proportion of alien to native population has been for many years, and is, on the increase.

\* See Parliamentary Papers 333 of 1891, 112 of 1887 (containing Mr. Burnett's report), 147 of 1891; Report of Select Committee on Emigration and Immigration, P. P. 305 of 1888, and 311 of 1889, etc.

(b) That the position has been aggravated, on the one hand, by the increasing ease and cheapness of travelling; on the other, by the Continental persecution of the Jews and Socialists, and by the increasing burden and dislike of conscription.

4.—(a) That each new-comer, by inviting his friends and relations to come over, and by assisting them with passages, forms a nucleus for further immigration.

(b) That each year sees, in certain districts, especially in the East of London, new localities and fresh streets invaded by the foreigner and deserted by the English working classes.

5.—(a) That the exact amount of immigration is not very material. The effect on the condition of our own work-people, both as regards localities and trades, is out of all proportion to the actual numbers of the immigrants.\*

(b) That the foreign element is not spread over the country generally, and thus rendered innocuous by its relative insignificance. It is almost entirely confined to the towns, and to a few special towns only.

(c) That in these special towns themselves, the foreign element is accumulated in particular districts, and thus produces far greater pressure in certain localities than in others.†

(d) That, moreover, the pressure is especially felt in certain trades—the shoemaking and tailoring trades,‡ the baking, cabinet-making, and hawking trades, etc.

\* The towns in which the foreign element chiefly congregate are London Liverpool, Leeds, Hull and Manchester. (Final Report Select Committee p. vii.) No less than 60,000 of the 136,000 foreigners, returned in the census of 1881, were found in London; Liverpool had 6,800. (P. P. 112 of 1887.)

† In 1861, in the Whitechapel district of London, the foreign element (according to the census) formed 7·7 per cent. of the whole; in 1871 it had risen to 10·6; in 1881 to 13 per cent. (Report, Select Committee, p. vii.)

‡ It is estimated that in St. George's in the East, no less than 80 per cent

6.—(a) That a few workers, willing and able to take lower wages, and to work longer hours than those usually prevailing in the trade, soon lower the standard rate of wages and of hours.

(b) That the effect of the foreign immigration has been, especially in certain towns, greatly to reduce the rate of wages, and to lengthen the hours of work.

7.—(a) That the immigrant, arriving destitute, ignorant of the language and the laws, accustomed to poor wages, long hours, and a low standard of living, is absolutely at the mercy of the "sweater"; and is forced to accept such terms and conditions as the latter chooses to impose.

(b) That the acceptance by the foreigner of a lower wage and worse conditions, seriously depreciates the value of labour in the home market.

(c) That the supply of foreign cheap labour is practically inexhaustible; a cloud ever hanging over, and depressing the home labour market.

8.—(a) That the influx of the foreign element, makes impossible effective combination for the improvement of their condition among the workers in the trades especially affected. The aliens do not form, and will not join, Trades Unions.

(b) That, practically, the bulk of them never rise in the industrial scale, and are always at the mercy of the sweater.

9.—That a reduction in the rate of wages, means a diminution in the general standard of comfort and well-being of the working classes.

10.—(a) That, not only do the aliens accept a rate of wages, work a length of hours, and labour under conditions to

of those engaged in the tailoring trade are foreigners (p. viii.). See also Mr. Burnett's Report (P. P. 112 of 1887, p. 11), and Report of Sweating Committee.

which no English workman ought to submit, and under which he could not with decency exist; but their habits, their mode of living, their low ideal of life, constitute a moral and physical evil, and react injuriously on the well being of the working classes.

(b) That it is useless to strive to improve the status of our own working classes, so long as the free influx of cheap competing Continental labour is allowed.

(c) That their presence amongst us is the principal cause of the existence of the so-called "Sweating System," with all its appalling evils.

11.—That the better class of immigrants only arrive in transit; the worst class, the least efficient and the most destitute, the class that the United States decline to receive, remain behind. Thus we are forced to receive the refuse of the Continental labour markets.

12.—That, it may be, the foreign immigrants do not actually, to any large extent, come on the rates themselves; but, by displacing home labour, and by reducing the rate of wages, they do that which is worse, pauperise British labour, and make the poor still poorer.

13.—(a) That, though the foreign immigrants have almost monopolised certain trades, these trades would still exist, and be carried on, under better conditions, if confined to Englishmen.

(b) That the inferior quality of the articles produced by cheap foreign labour, tends to lower the general standard of production, and to discredit English workmanship and goods.

(c) That even the destruction of these special trades—and they would not disappear—would be a lesser evil than their continuance under present conditions.\*

\* See Note, p. 374.

14.—That the foreign immigrants add neither to the strength, wealth, nor welfare of the country ; and, both on social and on economic grounds, they should be excluded.

15.—(a) That England is already overcrowded ; and yet emigration can be no relief to the congestion of population at home, if the place of those who emigrate is taken, or partly taken, by a foreign population.

(b) That the last state is worse than the first. Able-bodied British subjects, mostly with some little capital and enterprise, leave the country, and their places are taken by Continental poverty-stricken trash.

16.—(a) That no racial or sectarian privilege is involved. The immigrants are not objected to because they are foreigners, because they are Jew or Gentile, but purely on social and economic grounds.

(b) That, indeed, there is grave risk of an anti-Semitic crusade in England itself, if no restrictions are placed on the influx of foreign Jews.

(c) That the English Jews themselves try to discourage the influx of their compatriots.

17.—(a) That the question of the right of Asylum to political refugees does not arise.

(b) That the principle of the right of asylum is this :—that those who seek the refuge of British shores, to escape prosecution for their political convictions, shall not be surrendered to the authorities of the country from which they have fled. This principle, applying to individuals, would be in no way invalidated by the general exclusion of undesirable aliens.

18.—(a) That charity begins at home. We may deeply sympathise with those who, on account of their religious opinions, are persecuted abroad ; but we must not allow our pity to get the better of our judgment, or to indulge in sentimental feelings at the expense of our own people.

(b) That we have our own serious social problems to solve, and we ought not to aggravate them by allowing other nations to shoot their rubbish on our shores.

(c) That the "brotherhood of man" can hardly mean that other nations should, without any reciprocity, be able freely to place their social burdens on our shoulders.

19.—That the difficulties in the way of carrying out any excluding law are great, but not insuperable.

20.—(a) That the United States of America strictly carry out such a law,\* and we could adapt it to our own peculiar conditions.

(b) That our Australian Colonies have, and rightly so, excluded the Chinese, on the ground that socially and economically they are disadvantageous immigrants.

21.—(a) That our insular position gives us exceptional

\* By the Act of Congress of August 3rd, 1882, it is provided that 50 cents per head be collected from the owner for every foreign immigrant brought over in his vessel, to constitute an "Immigration Fund" to defray the expenses of regulating immigration. Officers are appointed to examine into the condition of the passengers arriving, and "if, on such examination, there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge," such persons shall not be permitted to land, and the expense of returning them is to be borne by the owners of the vessels in which they came.

In commenting on this Act of Congress, to our Minister at Washington, Mr. Bayard, on behalf of the United States Government, states that "The economic and political conditions of the United States have always led the Government to favour immigration, and all persons seeking a new field of effort, and coming hither with a view to the improvement of their condition by the free exercise of their faculties, have been cordially received. The same conditions have caused other kinds of immigration to be regarded as undesirable, and led to the adoption by Congress of Laws to prevent the coming of paupers, contract labourers, criminals, and certain other enumerated classes. Such immigration the economic and political conditions of the United States render peculiarly unacceptable." (P. P. c. 5109, 1887, pp. 5-16. See also Appendix 6 to Report of Select Committee on Foreign Immigration, 1888.)

advantages of dealing with the matter, without the necessity of re-introducing a system of passports.

(*b*) That, by our custom-house system, we can trace (and if necessary prevent) the entry of foreign goods of all descriptions; similarly, we could prevent the free influx of undesirable aliens.

22.—That, already, we have an alien law, by which, under penalty for neglect or falsity of declaration, it is the duty of the master of a vessel, arriving from a foreign port, to hand to the Customs' officer a list of aliens on board his ship, containing the name, rank and occupation of each. This law, if properly enforced, would constitute a valuable record of, and a check on, the immigration.

23.—That the bulk of the immigrants come to three ports only—London, Hull and Grimsby; and mostly from Hamburg and Gottenburg.\* The regulations affecting immigrants could be easily enforced at these three ports by means of receiving-places, etc.

24.—That if, as in the States, the responsibility and cost of returning unsuitable immigrants were cast on the steamship companies bringing them over, they would be much more careful in the class of passengers they accepted.

25.—(*a*) That,—as is proved in the case of the United States,†—the knowledge of the existence of laws directed against unsuitable immigrants, would be sufficient, without any wide enforcement, to keep away the bulk of the unsuitable immigrants who are now enabled and encouraged to flock to our shores.

(*b*) That the steamship companies, and the charitable societies would cease to encourage immigration to England;

\* See P. P. 147 of 1891, pp. 41-45.

† The number of British and Irish immigrants returned from the States averages only about 80 a year. (P. P. 167 of 1891, p. 8.)

and friends, already settled here, would cease to send tickets to friends to bring them over.

26.—(a) That the question of “Free Trade” or “Protection” is altogether beside the mark. The question is not one of merchandise but of flesh and blood, not one of commodities but of the social condition of our own people.

(b) That the import of cheap foreign goods must be ultimately paid for by exports; that of cheap foreign labour simply displaces home labour.

27.—That there would be no real loss on, or diminution of the transit trade; the emigrant *en route* to America would not be affected by any immigration laws.

28.—(a) That, as there is practically no British working-class emigration to the Continent, no reprisals would be possible.

(b) That, as there is no American emigration to England of the class that would be affected by the law, and as, moreover, the law would apply to foreign-speaking immigrants only, no reprisals on the part of the States need be feared.

(c) That, as a matter of fact, both on the Continent and in the States, strict laws against the entry of unsuitable foreign immigrants already prevail.

29.—That the Select Committee of the House of Commons of 1888—89, while seeing great difficulties in the way of enforcing laws against the importation of pauper and destitute aliens, and while not prepared at once to recommend such legislation, contemplated the possibility of such legislation becoming necessary in the future, “in view of the crowded condition of our own great towns, the extreme pressure for existence among the poorer part of the population, and the tendency of destitute foreigners to reduce still lower the social and material condition of our poor.”\*

\* Final Report, p. xi., P. P. 311 of 1889.

On the other hand, it is contended:—

1.—That the question is one of very limited dimensions; the alleged evils are infinitesimal.

2.—(a) That the dimensions of foreign immigration are grossly exaggerated; and, as compared to the population of English, the resident foreign element is most minute.

(b) That the bulk of the immigrants do not intend to settle in the country; but are either directly *en route* to the States or elsewhere, or are intending, and do, proceed there after a short stay in England.

3.—That, hence, the argued effects of the immigration on the social and economic condition of the British working man are illusory.

4.—(a) That, as a matter of fact, the immigrants who remain, are not, for the most part, “paupers,” but bring some little capital or possessions with them.

(b) That very few of them come on the rates; they find at once work sufficient to support themselves.

5.—(a) That, though they usually begin at the bottom, they are frugal and diligent, and gradually work themselves up in the industrial scale.

(b) That, while at first, they may be forced to accept a rate of wages and to work a length of hours out of proportion to the remuneration they receive, they soon improve their position, and insist on receiving a fair rate of wages.

6.—(a) That the actual competition of the immigrant with native labour is very slight.

(b) That the foreigners have largely created special trades which in no way compete with the regular home trade. These special trades would not have existed without their cheap labour and enterprise, and would disappear with their exclusion.\*

\* Value of “apparel and slops” exported from United Kingdom in 1887,

7.—That, in the trades especially affected, the consumer obtains the benefit arising from the cheapness of production.

8.—That, thus, the foreign element does not constitute a burden on, but is rather a profit to, the country.

9.—(a) That, while it is true, that the immigrants, for the most part, live on rough fare and are content with poor accommodation, they are quick at learning and industrious, are capable of very hard work, and are altogether efficient workmen.

(b) That they are moral, sober, thrifty, and inoffensive; and in these respects set a good example to their English brethren.

10.—That, any insanitary conditions or social evils that may arise from overcrowding, etc., should be (and are being) met, not by excluding the foreigner, but by sanitary and factory laws.

11.—That, the principle of free trade—namely that labour (as well as goods) should be allowed free access to its best market wherever it may be—would be infringed, and the selfish policy of protection would be introduced.

12.—That it would be an abrogation of that right of asylum to political and religious refugees, which England, alone among European nations, has always freely offered, and of which Englishmen are justly proud.

13.—That the Jews, who constitute the bulk of the immigrants, are suffering (in Russia and elsewhere) under intolerable oppression, and it would be inhuman to refuse to give them asylum.

14.—That racial and sectarian dislikes are at the

£4,000,000, of which from London £2,500,000; "Boots and shoes," £1,750,000, of which from London £1,100,000. (First Report Select Committee, p. 249.)

bottom of the demand for legislation—it is an anti-Semitic crusade.

15.—(a) That to carry out a policy of exclusion, would be to adopt a peculiarly narrow view of national interests.

(b) That the question should be discussed from a national not from a local point of view.

(c) That our action in the matter ought not to be governed by any narrow insular prejudices; we ought to help to promote the realisation of the ideal, of the “Parliament of man, the federation of the world.”

16.—That, in former days at least—as the time of the Huguenots for instance—the unrestricted influx of foreign immigrants was as beneficial to England, receiving, as it was injurious to the country expelling them.

17.—That the profitable Transit trade that now exists would be destroyed; the through immigrants, and they constitute the vast bulk of the immigration, would be deterred from passing through England.

18.—(a) That, in as much as the emigration of British subjects to other countries overwhelmingly exceeds the immigration of foreigners, England has more to lose than to gain by the application of the principle of restriction on the free circulation of labour.\*

(b) That any action taken would provoke retaliatory measures.

19.—(a) That the conditions under which immigration into the United States is and can be restricted, are totally different from those that prevail in England.

\* The total annual number of British and Irish emigrants is now about 250,000, the number of British and Irish immigrants about 100,000, a net annual emigration of British subjects of some 150,000. (P. P. 167 of 1891, pp. 30, 35, and 38.)

There are, it is estimated, some three to four millions of British-born subjects residing in foreign countries.

(b) That, in the case of the States, the immigrants all arrive at two ports only, Boston and New York; are landed after a long sea voyage, and, without difficulty, can be temporarily detained and examined on landing.

(c) That in the case of England, the immigrants enter at a dozen or more ports. The very short sea voyage, and the necessarily brief interval at landing, would make it impossible to obtain adequate information as to destination and condition, as to whether suitable, or unsuitable, as to whether in transit, tourists, travellers, or intended settlers.

(d) That any attempt, as in the States, temporarily to intern the immigrants at receiving places at the port of arrival, would constitute an intolerable restriction on the freedom of communication, and the ordinary passenger traffic. The game certainly would not be worth the candle.

20.—(a) That the difficulty of distinguishing between suitable and unsuitable settlers would be insuperable.

(b) That no practical test of "suitability" exists. Simple destitution, would not necessarily be a sign of unsuitability, if the immigrant were otherwise able-bodied and efficient; while the possession of certain means, in the case of a "weak" family for instance, would not render the immigrants really suitable.

21.—That the United States exclusion laws are directed only against immigrants likely to become a public charge; exclusion is not based on the ground of poverty.\*

22.—(a) That our insular and yet easily accessible position, plus free trade, renders any proper check impossible.

(b) That, without the revival of a passport system—

\* See Note, p. 371.

which the country, and rightly, would never stand—no real supervision, or distinction between immigrant and emigrant is possible.

23.—(a) That it would not be possible to insist that the steamship companies should take back the unsuitable immigrants they had brought.

(b) That, even if it were possible to return a cargo of unsuitable immigrants to the port from whence they had come, they probably would not be allowed to re-land; for, in the vast majority of instances, they would not be citizens of the country to which the port belonged.

(c) That international complications would speedily arise between England and the Northern sea-board Continental nations.

24.—That the Select Committee of the House of Commons, appointed in 1888 to enquire into the question, came to the conclusion that the number of immigrants was not sufficiently large to create alarm, and reported that they were not prepared to recommend any immediate restrictive legislation.\*

\* Report, p. xi.

## LEGAL LIMITATION OF HOURS.

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It is proposed that Parliament should intervene in the question of the hours of work of the adult male ; and should fix the maximum number of hours during which one man might employ another in manual labour, where men work together or under like conditions ; “ overtime ” to be allowed only under special and exceptional circumstances.\*

Some propose that a uniform “ eight hours day ” (or 48 hours a week) should be applied to all trades and industries alike. Others, a larger number, while in favour of the principle of legal limitation, would desire, both that the maximum number of hours to be fixed, should vary with different trades, and that the principle of “ Trade Option,”† in respect to the introduction of a legal limit at all, should find a place in the Act.‡

The legal limitation of hours is supported on the grounds :—

1.—That morally, physically, and intellectually, the present long hours of labour are injurious. They allow no

\* See No. 29, p. 387.

† See section *Trade Option*, p. 418.

‡ For discussion of *Miners' Eight Hours Bill*, see p. 424.

leisure for the duties or pleasures of home life, of fatherhood and of citizenship ; no opportunity for rational recreation or enjoyment, for education, for self-improvement. They tend to crush out all individuality, and to degrade human beings into mere machines.

2.—(a) That (eight) hours' continuous hard work is enough for any man. That especially is this the case when the worker has no personal interest in the results of his labour.

(b) That the processes under which work, especially factory work, is now carried on, with its minute sub-division of labour ; monotonous and uninteresting, but yet requiring perpetual attention ; with its incessant noise and unhealthy atmospheric conditions, involve an ever-increasing strain on the nervous system.

3.—(a) That, even in those industries in which the nominal hours are comparatively short, as a rule, a longer space of time is practically covered ; while "overtime" is habitually worked.

(b) That long hours, however light the work, imply entire loss of liberty.

4.—That the health of the nation is being sapped by overwork. That, consequently, not only is the physique and health of the present generation being undermined ; but the seeds of weakness and debility are being sown for the future. Yet the very existence of the nation depends on the moral and physical soundness of its working classes.

5.—(By some.) That no industry can, in the true sense of the word, be "profitable," which is carried on under conditions such as to brutalise and debilitate those engaged in it.

6.—(a) That there is a growing desire on the part of the working classes, not only to participate more fairly in the wealth produced by their labour ; but that, together with greater means of enjoyment, they should have greater leisure to enjoy.

(b) That reasonable and rational recreation cannot be enjoyed when body and mind are over-wrought; hence the usual demoralising "pleasures" resorted to after the day's work.

(c) That, without reasonable leisure for study, thought, and discussion, men are not capable of giving an intelligent vote.

7.—That the long hours could, with advantage to everybody concerned and with injury to none, be greatly curtailed.

8.—(a) That, practically, no one denies that overwork exists and that it ought to be minimised. Yet, without compulsory legislation, it is hopeless to expect that substantially shorter hours of labour will ever be introduced into the great majority of our national industries.

(b) That legislation constitutes the best, speediest, least costly, and most practicable way of attaining the end in view.

9.—(a) That unrestricted liberty of working causes excessive hours and starvation wages.

(b) That the object in view is, on the one hand, to prevent an employer from overworking his men, and, on the other, to prevent a worker from selling his labour in such a way as to compel his fellows to overwork themselves. The individual employer will not be prevented from giving employment for as many hours in the day as he likes, nor the worker from working as long as he chooses, provided that the mode in which the labour is bought or sold does not necessitate unreasonable hours of work in others.

10.—(a) That the only way in which an individual, either employer or worker, can secure a sufficient and satisfactory guarantee that his competitors will follow the same course as himself in regard to the hours of labour, is through legislation applied equally to them as to himself.

(b) That the legal endorsement of the will of the majority

of the masters or of the men in a particular trade, is the only way of protecting them from having practically to submit to the will of the minority in the matter of the hours of labour.

(*c*) That this is especially the case in regard to "over-time."

11.—(*a*) That, at present, a few employers greedy of profit, a few workmen willing to overwork, render nugatory all the efforts of the others—of humane employers or intelligent workmen—to curtail the hours of labour. The many should be allowed to coerce the few to the advantage of all, instead of, as at present, the few being allowed to coerce the many to the disadvantage of all.

(*b*) That, indeed, except by the aid of the law, individuals cannot secure shorter hours though they may be all agreed in desiring it—the immediate interest of each individual is to work longer hours.

12.—That a law limiting hours would be equal and impartial.

13.—(*a*) That the object in view is to obtain the legal recognition of the principle that (eight) hours a day (or forty-eight hours a week) of hard manual labour is, in the view of the community at large, the maximum consistent with a healthy, profitable, and civilised life.

(*b*) That it is not proposed to restrict the hours of labour merely in order to do good to the individual workman against *his* will; but mainly in order to prevent his zeal or his need from causing injury to his fellow-workers, by compelling them to work the same long hours as himself, against *their* will.

14.—(*a*) That "freedom of contract" between capital and labour does not really exist. The individual working man, is, for the most part, not in a position to protect himself, or to negotiate on anything like equal terms with his employer.

(b) That, as a unit in a vast industrial army, he has practically no freedom in regard to, or control over, his hours of labour.

(c) That a legal limitation of hours would really increase, not diminish, the personal liberty of the worker.

15.—That “independence” can hardly be said to exist; and there is little scope for the development of “self-reliance,” in the case of a man who is forced to work twelve, fourteen, or even sixteen hours a day.

16.—(a) That the best mode by which “independence” and “self-reliance” can be developed among working men, is by the formation of Trades Unions; and the essence of a successful Trades Union is that each worker, for the common advantage and for the sake of collective freedom, shall sink his own “independence” and his individual freedom of action.

(b) That legislative interference has certainly not undermined the independence or self-reliance of the workers in the industries where it has been chiefly applied. The workers in these trades—cotton trade, mines, etc.—are probably the most independent of any in the kingdom.\*

17.—(a) That the old “laissez-faire” argument in regard to labour has long since been exploded.

(b) That modern statesmanship has long since realised that “unfettered individual competition is not a principle to which the regulation of industry may be safely entrusted.”

18.—(a) That human labour cannot be regarded simply as a marketable commodity. It affects interests greater than mere pecuniary gains, and must be dealt with on grounds higher than those of commerce and economics.

(b) That it is quite consistent to support the removal of all restrictions on trade, and, at the same time, to advocate

\* See also No. 72 (c).

restrictions on labour. The one is traffic in merchandise, with freedom of contract; in the other, no freedom of contract exists, and the traffic is in the "souls of men."

19.—(a) That it is the business of the State to interfere in the affairs of its citizens when such interference can be shown to be for the general advantage of the community.

(b) That where an evil is admitted, it is for Parliament, as representing the nation, to find a remedy. Not to attempt a remedy is to abdicate its functions.

(c) That Parliament represents the collective wisdom and experience of the nation, and is competent to deal with all questions affecting the condition of the people.

20.—(a) That no real distinction, moral, physical, or economic, can be drawn between interference with the hours of labour of adult males and interference with those of women.

(b) That, as a matter of fact, the adult male, if married and a father, is as a rule less independent in his negotiations with an employer than is the "young person" whose protection the law already recognises as a necessity. The latter can far more easily than the former transfer his labour to other districts or to other occupations.

21.—That, as a matter of fact, Parliament has already interfered, both directly and indirectly, to protect adult workers in matters in which they are unable to protect themselves, and to regulate minutely the relations between employer and employed.

22.—(a) That the employment of adult labour is already practically limited by law to six days out of the seven.

(b) That every economic argument used against legislative interference with the hours of labour, is equally valid against the prohibition of Sunday labour—yet everyone admits the benefit of this prohibition; and no one purposes its repeal.

(c) That if the prohibition of Sunday labour were optional

and not practically compulsory, work, under stress of competition, would gradually become universal on Sunday.

23.—That the Bank Holiday Act, by appointing certain special days in the year to be “kept as close holidays in all Banks,” interferes directly with adult male labour.

24.—(a) That, whatever may have been the original intention of the Factory Acts, the limitation of the hours of labour in factories and workshops brought about by them, limits the labour of the men, equally with that of the women and young persons, employed in those industries.

(b) That adult male labour is directly and specifically regulated, controlled, and protected by the Factory Acts, Mines Regulation Acts, Merchant Shipping Acts, Employers’ Liability Acts, Artisans’ Dwellings Acts, Building Acts, Acts affecting particular trades carried on in shops, especially public-houses, etc. etc.

(c) That the Truck Acts, which prohibit the master from paying wages in any form but in cash, even should the workman desire it, and the Act for the Prevention of Payment of Wages in Public-houses, constitute direct legislative interference with the conditions of adult male labour.

(d) That the Artisans’ Dwellings Acts empower the Local Authority to build and let lodgings to artisans. There is no difference in principle between providing the working man with lodgings at a rent fixed by a Public Authority, and State regulation of the hours of labour.

(e) That “a costermonger may not wallop his donkey, or a knife-grinder harness his dog, or a publican sell a glass of ale, or a milkman sell a pint of milk, or an apothecary sell opium, or a cyclist ride without a lamp, or a ‘lion comique’ sing a broad song, or a ‘lionne comique’ wear a short dress or dance a particular jig, without finding the law at hand, the policeman alert, and the magistrate inexorable.”

25.—(a) That the appointment by the House of Commons of a Committee “to inquire whether, and if so, in what way, the hours worked by Railway Servants should be restricted by legislation;”\* is a Parliamentary admission of the principle of State interference with the hours of adult males.

(b) That the acceptance by the House of Commons of a Resolution, that declared it to be the duty of the Government, in all Government contracts, “to insert such conditions as may prevent the abuse arising from sub-letting, and to make every effort to secure the payment of such wages as are generally accepted as current in each trade for competent workmen”† is a Parliamentary admission that the State is entitled to interfere with the conditions under which adult male labour may be employed.

26.—(a) That, thus, there already exists a comprehensive code of regulations which restricts, modifies, and controls adult labour, directly or indirectly, introduced for the general advantage of the community, which has proved eminently beneficial, and the repeal of which none are found to advocate.

(b) That the proposal made is simply to extend the already existing principle of State interference with the conditions of labour. Labour, in the matter of hours, requires further protection on the grounds of the health and of the well-being of the community.

27.—That the alleged difficulties in the way of a further extension of the Factory and other Acts, so as to deal directly with the hours of adult male labour, are very much exaggerated. These Acts, minute and complicated as they are, deal successfully and without friction with hundreds of

\* February 3rd, 1891.

† Feb. 13th, 1891.

divers trades and interests.\* It would be less difficult to extend them than it was originally to apply them.

28.—That no one of repute seriously proposes to enforce at one sweep a rigid Eight Hours Law, with entire prohibition of any "overtime," to be applied indiscriminately to all industries alike. It is recognised that there must be much elasticity of working, and that different trades require different treatment; that, in certain industries, from natural or artificial causes, there exists a greater pressure of work at one period of the year than at another; that, in others, the maximum number of hours (which might for certain workers be fixed at a higher average than eight a day) must be reckoned not by the day, but by the week, or even by the month; that provision must be made for accidents and cases of emergency. Moreover, it is generally conceded that the limitation of hours must not be applied to any particular trade or industry except at the express desire of those engaged in it.†

29.—(a) That in regard to the difficult question of the cessation of work at a fixed moment, and to the question of "overtime," the existing Factory Acts form a useful and satisfactory precedent. The hours during which women and young persons may work are strictly limited, but, without infringement of the principle of fixed maximum hours, considerable elasticity of administration exists where elasticity is required.‡

\* See Factory and Workshop Act, 1878, especially the Schedules. The Act is most elaborate and minute, and places most extensive powers in the hands of the Home Secretary, powers which have already been extensively used. See Note to No. 29.

† See section on "*Trade Option*."

‡ Under the Factory Acts (Factory and Workshop Act, 1878), "overtime" in certain trades, and under certain conditions, may be worked by women and young persons on a maximum of forty-eight days in any twelve months. The conditions are as follows:—(1) Where the material, which is the subject of the manufacturing process or handicraft, is liable to be spoiled by the weather. (2) Where press of work arises at certain recur-

(b) That, just as now under the Factory Acts, it would be the duty of each employer so to arrange his work as to comply with the law ; and to avoid habitual overtime.

30.—(a) That the Act would, as in the case of the Factory Acts, etc., be enforced by Inspectors. The penalty (when incurred) would, as now, fall on the employer.

(b) That there would be no “class” legislation involved in thus penalising the employer. All labour legislation has been conducted on those lines, and the object of limiting hours is not to prevent a man from working as long as he chooses, but to prevent his being employed (to the detriment of his fellows) in one occupation beyond a certain number of hours a day.

31.—That the “impossibility” argument was equally used against the Factory Acts and other labour-regulating Acts, as it is used against an Eight Hours law, yet they have all worked well and smoothly.

32.—(a) That a well-marked distinction can be drawn between State interference in the matter of hours, and State interference in the matter of wages. Hours can, if thought advisable, be regulated, wages cannot.\*

ring seasons of the year. (3) Where the business is liable to sudden press of orders, arising from unforeseen events. (4) Where the factory is driven by water-power, and is liable to be stopped by floods. Again, in the case of certain perishable articles, and in the case of factories driven by water-power, and liable to be stopped by drought, as much as 96 days' overtime in a twelvemonth is allowed in the case of the former where women alone, and in the case of the latter where young persons are also employed. In the case of certain specified processes (Turkey-red dyeing and open-air bleaching) employment may, for the prevention of accident or loss, continue indefinitely under exceptional circumstances. Further, in regard to certain industries (where children, young persons, or women are employed), where the process is in an incomplete state at the end of the legal period of employment, work may continue for an additional half-hour over the legal limit, “provided that such further periods, when added to the total number of hours of the period of employment, do not raise that total above the number otherwise allowed under the Act.”

\* See, however, as to Contracts, No. 25 (b).

(b) That there is no practical force in the argument that to admit the right of Parliament to reduce, would also carry with it the right to increase the hours of manual labour; no responsible Statesman would ever venture to propose a legislative increase of hours.

33.—(a) That, under existing conditions, while many men are ruining themselves, mentally and bodily, by overwork, many others are suffering from inability to obtain work at all.

(b) That the existence of these “unemployed” is a source of danger and detriment to the State.

(c) That they not only directly and fiercely compete with those in work, but, to a large extent, they constitute a direct burden on them also.

34.—(a) That the reduction of hours, and the abolition of systematic “overtime,” by leading to the employment of a larger number of persons, would greatly diminish the numbers of the “unemployed”; and reduce their competition with those in work.

(b) That the “unemployed” are by no means wholly unskilled; a large number of the skilled workers in each trade are on the average habitually unemployed: and most of these would be advantageously employed if there were a limitation of hours.\*

35. (a) That shorter hours would not necessarily or probably lead to reduction of wages.

(b) That the rate of remuneration given for piece-work, or for work by the hour, depends on, and varies with that for day-work, and would rise or fall accordingly.

36. (a) That wages would not fall, but would actually rise. The cause of low wages is over-competition for

\* In 1887 (a normal year) out of 130,000 members belonging to the most “skilled” unions, such as the engineers, carpenters, boiler-makers, iron-founders, etc., nearly 12,000 were, on the average, unemployed, and were maintained at the expense of the Unions.

employment. A reduction of hours would increase the demand for labour, and labour would be in a better position to command higher wages.

(b) That this has already been the case in industries—such as that of gas production—in which the eight hours system has been lately adopted.

(c) That long hours and low wages, short hours and high pay, almost invariably go together.

37.—(a) That shorter hours, even though not followed by any, or a proportionate reduction of wages, would not in the end affect profits.

(b) That during the last thirty or forty years, while the hours of labour have been shortened, wages have largely risen, and profits have increased.

38.—(a) That a shortening of the hours of labour is compatible with the maintenance of the present aggregate product of labour.

(b) That each reduction or curtailment of hours, whether brought about by Factory Acts, or by agreement in a particular industry or business, has been followed by an actual increase in the productiveness of individual workers.\*

(c) That experience has shown that shorter hours mean more profitable labour and more economical working. The speed and efficiency of work diminishes as the day advances, and the great majority of accidents occur near the close of the day's work; † weariness makes a man less apt and less careful.

(d) That an individual worker might, and very likely

\* It is asserted that an average factory hand produces far more at a lesser cost, working 56½ hours a week, than was the case when the working hours amounted to 72 a week.

† This, however, is denied as far as regards mines.

would, produce more in a single day of ten or twelve hours, than another would do working eight hours only; but, by the end of the year, the latter would have produced more and better work.

39.—(a) That there would be a considerable saving in the extra payments now made for “overtime”; a system of work uneconomical to employer and hurtful to employed.

(b) That the workers would begin work more punctually.

(c) That with an eight hours day there need be but one break for meals; and each break adds to the cost of working.

(d) That work done before breakfast is usually inefficient and wasteful.

(e) (By some.) That where the system of “shifts” could be introduced or extended, the output would be materially increased, at a reduced proportionate cost.

40.—(a) That the adoption of shorter hours would tend still more towards the disappearance of the smaller industrial establishments, and their replacement by larger concerns: with the result that the work would be carried on under more favourable physical and economic conditions.

(b) That attention would be turned towards the improvement of machinery, and production would be more rapid and less costly than before.

41.—That thus, while the probable economic effect cannot be accurately ascertained, on the whole it is probable that the amount of production would not be diminished, nor its cost increased.

42.—That if there were a falling off in the individual productiveness of the worker, the number of workers employed would be increased; thus, the present heavy burden on the community for the support of the “unemployed” would be greatly reduced; and the new workers, being in receipt of regular wages, would, to the advantage of trade, become large consumers of home products.

43.—That with greater general leisure, the general wants of the labouring community would be extended; demand would be increased.

44.—(a) That English commercial supremacy is no doubt greatly due to the adoption of the general principle of "Free Trade," and of non-interference in trade affairs on the part of the Executive. But this general principle has, time and again, to the advantage of the community, been modified by innumerable restrictions on free contract between capital and labour.

(b) That the restrictions imposed by the Factory Acts, the Mines Acts, etc., have not injured but have improved the condition of the industries to which they have been applied.

(c) That the prophecies of the ruin that would result from the limitation of hours in factories have all been falsified. While the condition of the workers has been greatly bettered, the commercial position has been improved, not impaired.

45.—That where the "eight hours day" has been adopted by individual employers, it has worked satisfactorily, and to the advantage both of the employers and the men.\*

46.—That the question of cheapness of production as affecting foreign competition, is no doubt a grave one. But it is only in certain branches of our industries and trades that profits are in any way affected by foreign competition. The railways, tramways, gasworks, shops, building trades, engineering trades, etc., etc., are not dominated by it, and here at least a legislative beginning might be made.

47.—(a) That, even where the question of foreign competition does come in, its dangers are greatly exaggerated.

\* For detailed instances see "*The Eight Hours' Day*," by Messrs. Webb and Cox (Walter Scott), pp. 102, 254, etc.

(b) That long hours and low wages do not give a real advantage in international competition. High wages, short hours, and the resulting improved mental and physical development, facilitate the introduction of more effective methods, and thus reduce the cost of production.

(c) That, as a matter of fact, the severest competition comes from those trades and those countries in which the hours of labour are the shortest. The nation that possesses the most energetic, intelligent, and capable workmen will win in the end.

(d) That "general low wages never caused any country to undersell its rivals, nor did general high wages ever hinder it from doing so."\*

48.—That labour movements in this country are and will be ever more and more imitated abroad. Recent events have shown this to be the case, and that other nations are rapidly approaching our standard of wages and hours.

49.—That the question of working hours is becoming more and more an International one; and this is the best outlook for the future.

50.—(a) That the limitation of hours would lead to a more uniform output year by year, and thus tend to diminish the great fluctuations in trade: inflations and depressions that are so injurious to all classes.

(b) That the limitation of hours, and especially the prohibition of "overtime," would lead to a more steady and equal production over the year; and thus tend to diminish over-pressure at one period of the year, and the under-pressure at another.

51.—(a) That the abolition of systematic "overtime" would tend to make work and wages more regular and less spasmodic.

\* Mill.

(b) That the existence of "overtime" is largely due to the irregularity and uncertainty of employment. With a limitation of hours, these evils would tend to diminish.

52.—That if the extra outlay on labour, due to limitation of hours, were not covered by increased and profitable production, the loss would fall mainly on profits. In other words, there would be a somewhat fairer distribution of wealth, a larger aggregate payment in wages, a smaller aggregate receipt for interest, in itself an advantageous result.

53.—(a) That capital receives a good and sufficient margin of profit—witness the income-tax returns, the produce of the death duties, railway and industrial dividends, etc.—to bear any additional burden that might result from a limitation of hours.

(b) That the tendency is generally towards a lower rate of interest, and capital will be content in the future with smaller profits.

54.—(a) That the manifold restrictive legislation already in existence, has in no way tended to drive capital abroad; and further restrictive legislation need not cause alarm.

(b) That, indeed, capital is not really volatile. Capital cannot be easily withdrawn from business, nor can a trade or industry be easily transplanted. Many forms of "capital"—land, mines, railways, buildings, etc.—could not, in fact, be removed from the country.

(c) That other nations are extending their factory legislation as fast, or even faster, than we are.

55.—That as legislative restrictions on hours would be introduced gradually, and with considerable elasticity of working, trade would be able to adapt itself to the changed economic conditions.

56.—(a) That while a few minor industries might suffer somewhat from the enforced limitation of hours, they would soon recover; while, if they disappeared, their places would

be taken by more indigenious, and consequently more robust, industries.

(b) That in regard to some industries, worked under degrading conditions, their extinction would be the social price, and one worth paying for the sake of the improvement of the condition of the workers.

57.—(a) That the chief argument of those who declare themselves in favour of shorter hours of work, but against legislative interference, is that the desired result can be, and should be, obtained by voluntary means, by arrangement and negotiation between employers and employed, and especially by means of Trades Unions.

(b) That by whatever means, voluntary or legislative, a limitation of hours be obtained, the same economic results would ensue. The amount, and the cost of production would be equally affected. If it is right, proper, and advantageous to secure a maximum day by organisation, it cannot be mischievous and disadvantageous if the same result is brought about by legislation. If it be advantageous in the one case, it is equally so in the other.

58.—(a) That it may be fully admitted that, if the question of hours could be settled by voluntary agreement, legislation would be inexpedient because unnecessary. But, under existing conditions, any such voluntary arrangement, if possible in a few, is impossible in the vast majority of trades.

(b) That it is preposterous to suppose that anything approaching a universal limitation of hours could ever be obtained by the action of Trades Unions. At the best, success would be within the bounds of possibility only in those particular trades which were wholly and strongly organised.

(c) That but one in ten of the workers are, as yet,

members of any Trades Union.\* Of these Trades Unions a very few only are strong in men or money, or powerful enough without legislative help to deal effectively with the "hours" question. Others are weak and struggling, and almost helpless; while, in a vast number of trades, Unionism does not exist, and never can be effectively introduced or maintained.

(d) That the object in view is to obtain reasonable hours of labour for all. Those who work the longest, and under the worst conditions, require the first attention; yet it is just these trades in which the organisation of the workers is, as a rule, weak or non-existent, and in which it is hopeless to expect that greatly reduced hours can be obtained by voluntary means alone.

(e) That to leave the question of hours solely to the actions of Trades Unions is to favour the strong at the expense of the weak.

59.—(By some.) That, though it would be inexpedient to interfere by law with the hours of work in those trades where the workers are well organised, and capable of negotiation with the employers in regard to the conditions of labour, it might be expedient to interfere where the workers, working excessive hours, are practically unable to combine, and acknowledge their helplessness by appealing to Parliament.

60.—That, except in those very rare cases where the Trades Union comprises all the workers in a particular trade, a reduction of hours obtained by its means operates unequally and unjustly; it is enforced in certain districts, and in the case of some of the workers, but not everywhere, nor in the case of all the workers in the particular trade.

\* The manual workers (including women) are estimated at from twelve to fourteen millions. The number of Trades Unionists are about a million and a half, in 1890.

61.—That the Trades Unions have failed to regulate trade matters of less difficulty than the question of hours—*i.e.*, overtime, piecework, apprenticeship, etc.

62.—That it is clear that Parliament does not believe that Trades Unions are as universal and as powerful as alleged, else the manifold other points affecting the conditions of labour on which the law has been evoked, should and would have been left to be settled by voluntary agreement.

63.—That the bulk of the Trades Unions have confessed their inability to deal with the question, by asking for legislative interference.

64.—(By some.) That, if Trades Unions could impose their own terms upon industry, it would be inexpedient, at any rate in some industries such as railways, gasworks, etc., that they should be able to do so without some limitation by law on their unrestrained dictation.

65.—(a) That where restrictions of hours have been obtained, they have been conceded by the employers only under pressure and protest.

(b) That the only effective method by which Trades Unions can obtain or retain shorter hours, is by the threat of, and, if necessary, recourse to a strike.

(c) That industrial warfare—a strike with its retaliatory lock-out—involves wide-spread suffering, loss and demoralisation to the men, great loss to the employer, and immense injury, not only to the immediate trade concerned, but generally, and to the community at large. It leads to violence and intimidation, to antagonism between one section of the workers—the strikers—and another—the “blacklegs”—and to the embitterment of the future relations between capital and labour.

(d) That the public deprecate strikes, and will not tolerate the intimidation without which a strike cannot be successful; yet, short of legislation, a strike is the only leverage

by means of which shorter hours can be obtained. Action by "voluntary effort" implies the advice, "Unite and strike."

66.—That in many industries, such as railways, tramways, waterworks, gasworks, etc., the public interest demands that there should be no need to resort to strikes.

67.—That the strike, after all, may not be successful, and all its attendant evils will have been undergone for no advantage, present or prospective.

68.—(a) That advantages won by Trades Unions, even in good times, at great cost and with great difficulty, are often lost when bad times come; and the whole battle has to be fought over again.

(b) That in either case, the struggle to fix a standard rate of hours is certain to lead to constantly recurring fights between labour and capital.

(c) That it would be very expedient, looking to the future relations between capital and labour, if one fruitful cause of dispute could be removed.

69.—That the "elasticity" of voluntary agreement is just that which it is desirable to avoid. "Modifications," when made, are wholly in the interest of the employer.

70.—That, if the desired results could be obtained by legislation, the gain, economically, commercially, and individually, would be great.

71.—That, shorter hours, by leading to extended education and greater intelligence on the part of the workers, would be more likely to result in the settlement of future labour disputes by conciliation and arbitration.

72.—(a) That the legislative enactment of a maximum period of work, would not weaken the general position or prospects of Trades Unions; but, on the contrary, would

leave them free to devote their energies to the question of wages, and to the settlement of the other conditions of employment. All questions in dispute between labour and capital would not have disappeared because a maximum number of hours had been fixed by law; while Trades Unions would still be required to secure the enforcement of the laws relating to labour.\*

(b) That greater leisure would give greater opportunity to the workers to strengthen and perfect their organisation.

(c) That legislative interference in the conditions of labour has in no way weakened the position of the Trades Unions in those trades to which it has been applied.†

73.—(a) That Trades Unions are, after all, only a means to an end; and, even if it were true that the legislative limitation of hours would weaken their position, it would be simply because one of the chief reasons for their existence had disappeared.

(b) That, again, it must be remembered that only a very small proportion of the working population is properly organised; and, even if a few Trades Unions were weakened by legislative interference, the working classes as a whole would have gained immensely in the matter of their hours of labour.

74. (By some.) That it is a very suspicious circumstance that capitalists and employers, who in the past have always denounced Trades Unions as tyrannical and coercive, and have done their best to destroy them, now hold them up as the salvation of the working classes. They know well that no great reduction of the working hours can ever be obtained by means of Trades Unions alone.

\* See *Trade Option*.

† See also No. 16.

75.—(a) That the proposal is no more socialistic than much of our social legislation.

(b) That "we are all socialists now."

76.—That the argument that a legislative nine or eight hours, day would soon be reduced to six, four, or even three, need not be considered, inasmuch as it is not proposed to abrogate, by Act of Parliament, the common sense of the nation.

77.—(a) That, in the Australian Colonies, the eight hours day prevails, and is all but universal.

(b) That, though it is not statutory, it has the force of law, and works admirably, to the advantage of the whole community.

(c) That "In Australia the effect of the Eight Hour, and in the Cape the Nine Hour day, is socially conservative—that is to say, the comfort conferred by it, upon the working classes, prevents agitation for revolutionary change." \*

78.—That it is not a fact that legislative limitation of hours in the United States have failed. Those laws fixed a "normal" day, in the absence of agreement to the contrary, and did not fix a maximum day, any agreement to the contrary notwithstanding.

On the other hand, it is contended :

1.—(a) That while a reduction in the hours of labour is no doubt expedient and desirable, this object can only be satisfactorily and advantageously attained by voluntary effort.

(b) That public opinion is becoming less patient of social inequalities, and more sensitive to social evils. That

\* Dilke's "*Problems of Greater Britain*."

it is strongly set in favour of shorter hours, and is gradually making itself felt in that direction; and the best guarantees for the improvement of the conditions of labour lie in temperance, education, co-operation, Boards of Conciliation, etc.

(c) That, as a matter of fact, the hours of labour on the average are being gradually shortened.\*

(d) That neither poverty nor mortality is increasing, but are on the contrary, diminishing in proportion to the population; while wealth is becoming more generally diffused.

2.—(By some.) That greater leisure would only mean to many workers a greater temptation to drinking and extravagance, and be therefore more of a curse than a blessing both to the men and to their families.

3.—That it is not possible to say what should be the ultimate maximum hours of labour in any particular industry, and it is unreasonable to allege that all trades could or should be treated alike, in respect of the hours of work.

4.—(a) That Parliament cannot provide a remedy for all the many ills which arise from the struggle for existence.

(b) That Parliament ought not to be called upon to interfere in matters in which the people are, or reasonably ought to be, able to protect themselves.

(c) That Parliament should not attempt to regulate the relations between employer and employed, except for the purpose of preventing fraud, preserving health, or securing safety to life and limb.

5.—(a) That Parliament is not competent to deal with the delicate and complex machinery of British industry; the

\* See Return, Parliamentary Paper 375 of 1890.

relations of labour, capital, trade, and commerce : ignorant interference is certain to work mischief.

(b) That the State, in former days, attempted to fix wages, to regulate hours, to limit the price of commodities : attempts altogether futile or disastrous.

6.—(a) That no one advocates unrestricted *laissez faire*. The question of legislative interference is one of degree, interference is justified only for the prevention of widespread misuse or mischief.

(b) That freedom of contract, and individual liberty should, however, be left unfettered by law.

7.—(a) That each man has an absolute ownership in his own muscles and his own brain, which must not be infringed.

(b) That his labour is to a working man his only capital ; and to interfere with his right to use this capital to the best advantage amounts to confiscation.

(c) That many workers would rather work twelve hours a day than eight, preferring the higher wages, to the reduced hours ; and it would be tyranny to compel them against their will to reduce their hours.

8.—That to treat grown-up men as incapable of protecting their own interests, would be an aspersion on the working classes ; would disastrously weaken their self-reliance and manly independence, and would seriously react on the national character.

9.—That all recent legislation in regard to labour has been in the direction of extending, not of contracting, the liberty of the working classes.

10.—(a) That the Factory and similar Acts have been dictated by motives of health, humanity, and protection of the weak ; not with a view to interfere with freedom of contract and with individual liberty.

(b) That the Factory Acts apply directly only to women,

young persons, and children—to those persons, namely, who are not in a position to protect themselves.

(c) That the Truck Act is directed against fraud, and is in no way an attempt to regulate the ordinary relations of labour and capital.

11.—That in regard to Sunday labour, trade, in developing, has adapted itself to the immemorial usage of premitting work on the seventh day. If Sunday labour were customary, a sudden stoppage of such work would be attended with all the evils that would follow the introduction of an universal Eight Hours Law.

12.—That, as yet, we have no authoritative definition as to what is meant by a legal limitation of hours, or how it is to be carried out. (i.) Is the limit of work to be eight hours each day, or 48 hours each week? If the latter, is the worker or the employer free to apportion the time over the week? (ii.) Are the number of hours fixed to constitute an absolute maximum; or is “overtime” to be allowed; and, if so, under what conditions? (iii.) Is the fixed limit hours to include the time of actual work only, or the intervals when the men may be going to their work or “standing by”? (iv.) Are the hours necessarily to be consecutive? (v.) Are meal-times to be included? (vi.) Are “shifts” to be allowed? (vii.) What arrangements will be made, and how, for overtime in case of accidents, emergency, or exceptional pressure? (viii.) How is it going to be applied in the case of those trades in which the pressure of work is greater at some periods of the year than at others? (ix.) Is the Act to be applied to those working at home, as well as to those working in factories and workshops? (x.) Is it to apply equally to those employed in arduous, trying, and dangerous work, and to those employed in light and healthy work? (xi.) Is it to be confined to manual workers; and if so,

why are brain-workers to be excluded from the benefits of the Act?

13.—(a) That it is probable that no legal limitation of hours could be enforced in regard to any particular trade, and it is certain that it could not be universally applied.

(b) That, unless the Act were universally applied, it would be grossly inequitable.

14.—(a) That to make the Act operative at all, so many exceptions and exemptions, and so much elasticity of working would have to be introduced, that the principle would be destroyed, and the supposed advantages rendered nugatory.

(b) (By some.) That no amount of elasticity would render such an Act practicably workable in any trade.

15.—(a) That it would be absurd and unfair to attempt to apply one uniform standard of hours to different industries; or, under varying circumstances, at different places, and at different times, to the same industries.

(b) That there is no particular virtue in "eight hours"; some manual labour is light, other arduous; some occupations are healthy, others unhealthy; some labour is purely mechanical, other involves the continual application of thought and attention. An eight hours day might be too long in one industry, and far too short in another.

16.—That to cut down hours is to cut down wages; and wages are too low already.

17.—That, in one industry, a sufficient wage might be earned with the working day limited to eight or nine hours; while, in many others, the worker would find it impossible, under such a restriction, to earn even a bare subsistence wage.

18.—(a) That it would be a gross injustice to forbid a man from doing his best to earn all he could for himself, his

wife and family, because his neighbour had less energy or fewer wants.

(b) That the weaker and less experienced worker, who now by working longer hours, is able to earn decent wages, would be prevented from so doing.

19.—(a) That in many industries, indeed in most, there is necessarily and unavoidably much greater activity at certain periods of the year than at others. The application of a rigid limitation of hours over the whole year would cripple or destroy such trades.

(b) That, similarly, in other industries, trade is busiest on certain days in the week or month, and a uniform eight hours day could not be applied.

(c) That other industries—such as farming, etc.,—depend largely on the weather and the seasons; a fixed daily limitation of hours would be disastrous.

(d) That in some industries (mines especially) it is not possible to continue output in anticipation of a demand. Thus work is often at a standstill, in consequence of a temporary or accidental falling-off in the demand. Under a legal limitation of hours, neither the employer nor the worker would be able, when the orders came, to make up the deficiency of output, and the loss of profits and wages, due to the period of enforced idleness.

(e) That in the case of many classes of workers—for instance, sailors, engine-drivers, etc.—a fixed limitation of hours could not possibly be applied.

20.—That, in the nature of things, the workers in many trades have, after reporting themselves, to go some distance to their work; while in others, through no fault of their own or of their employer, they have constantly to “stand off” for considerable periods in the day. Not to allow them to make up the time thus lost, would involve great hardship and inequality.

21.—(a) That public opinion would never permit such an extension of the criminal law as to make it a penal offence for an adult man to work after the clock had struck a certain hour.

(b) That humanity would revolt from the idea of a man's being punished because he attempted to work additional hours in order to earn something extra to make up the deficiency caused by sickness, accident, or previous slackness of work.

22.—That, even in those trades in which, under ordinary circumstances, a fixed number of hours a day might constitute a proper limit, a legal restriction would, in times of depression or in times of activity, be totally at variance with the interests both of men and masters.

23.—(a) That such an exasperating law would be constantly evaded by collusion between masters and men. It would either become a dead letter; or, in order to meet the constant efforts at evasion that would be made, have to be made ever stricter and more penal.

(b) That the existing Factory and other similar Acts are not easily administered, yet they apply simply to females, young persons and children; and to them only where congregated together and easily supervised and inspected. The difficulties of enforcing a still more stringent law, of applying it to adult male labour, and of extending it to all classes of workers, would be insuperable.

24.—(a) That it would be quite impossible to prevent "overtime," at an increased rate of wages, from being worked.

(b) That much of the "overtime" is worked simply in order to make up "undertime."

(c) That as "overtime" is always paid at a higher rate, there is no inducement, save necessity, to the employer to encourage it.

25.—That, the administrative cost of carrying out the great extension of the Factory Acts proposed, would be very heavy.

26.—(a) That to make the employer only, and not the employed, liable for a breach of the law, would be class legislation of the worst description.

(b) That the employer alone is made liable under existing Factory Acts, because, in the case of women and children—to which only they apply—the assumption is that the employer is the stronger party, and should therefore be made liable for any breach of law.

27.—(a) That, if Parliament once interfered with the hours of adult labour, it would be called upon to interfere with wages and prices. It could not leave a man to starve on four days in the week, while it protected him from over-exertion on the other two. It could not logically prohibit an employer from giving nine hours' employment one day, yet allow him to close his works altogether on the next.

(b) That thus, logically and inevitably, interference with the hours of work would lead to the adoption and application of the socialistic idea that the State should nationalise the materials of production, and control the industrial and commercial interests of the country.

28.—(a) That the whole question is really a wages question. The demand for a legal limitation of hours is simply at bottom a demand for further and increased pay for "overtime." The working classes do not object to, but, as a rule favour, overtime work if they are paid extra for it.

(b) That, if overtime were prohibited, the employer and employed would continue to evade the Act; if it were allowed, the State would then have to decide at what additional rate "overtime" should be paid, otherwise the proposed limitation of hours would be rendered nugatory,

for men would simply be compelled to work additional hours at the ordinary rate of wages.

29.—(a) That any attempt radically to interfere with the relations between employer and employed, and to introduce a cast-iron limitation of hours, would be economically disastrous. It would involve a reduction in wages, a diminution in profits, an increase in the cost of production; and would constitute a serious blow to trade and commerce.

(b) That the first to suffer would be the working classes themselves. Existing industries would be crippled or ruined, no new industries would be started; capital would be driven away, manufacturers would transfer their business and plant abroad. The workers, nevertheless, would have to remain in the country. State interference would increase the distress it was intended to relieve.

30.—That the position of England as a manufacturing nation, and her commercial supremacy, is due to the fact that Parliament has refrained from meddling with the relations of trade or commerce, and has left private enterprise unfettered.

31.—(a) That foreign competition dominates all labour questions.

(b) That England is not a self-supporting and self-supplying nation. She depends largely for her existence on her foreign and shipping trade; \* and that trade depends for its existence on the cheapness and quality of production, on the enterprise of traders, and on a large available supply of capital.

(c) That a legal limitation of the hours of labour would increase the cost of production, impede the course of trade, and discourage the investment of capital at home.

\* Annual Foreign Trade (1889):—Exports, £315,000,000; Imports, £428,000,000; Total, £743,000,000. Number of British Ships, 17,550 Tonnage, 7,641,000.

32.—(a) That our traders have to meet ever-increasing foreign competition; and we cannot afford to run any risks of losing our hold over those foreign markets which we still supply with goods.

(b) That, already, British labour has to compete with foreign labour working a larger average number of hours at a lesser average wage; the inequality cannot safely be increased.

(c) That the cotton trade especially has, of late years, become subject to the severe competition of Indian operatives working enormously long hours at very low wages; further to restrict the hours in the English mills would be disastrous to the trade.

33.—That the trade of the country is so inextricably inter-dependent, that it is not possible to distinguish between those industries into which an element of foreign competition enters and those entirely free from it—if, indeed, there are any of the latter. To apply a limitation of hours to any industry would re-act on all.

34.—(a) That competition, both at home and abroad, has already cut down profits on the average to the lowest possible point; there is no margin for a further reduction.

(b) That capital is very sensitive and easily driven from one industry into another, or transferred from one country to another.

(c) That, from national and patriotic motives, many capitalists and traders are content to receive a lesser interest on their money invested at home than they could obtain with equal security if it were invested abroad: a further reduction in profits would counteract this tendency and drive capital abroad.

(d) That, thus, while industries at home would be starved or ruined, competing industries abroad would be stimulated and encouraged; and English trade would be doubly affected.

35.—That, already, our industrial supremacy is being challenged, both in the home and foreign markets. Large amounts of manufactured goods, which could and should be made at home, come into this country from abroad. To increase the cost of production here, would give the foreigner a complete control over the home, as well as over the neutral markets.

36.—That the idea of an international agreement limiting the hours of adults, is a mere idle dream.

37.—That even where the question of foreign competition did not come in, a limitation of hours, by reducing or destroying the probability of profit, would paralyse all home enterprise.

38.—(a) That reduced hours would mean a proportionate reduction in wages. In many cases, where the reduction of hours brought about was very great—*i.e.*, from twelve or fourteen to eight—the wages earned would not be sufficient to keep body and soul together.

(b) That as labour is to a large extent paid, not by the week or by the day, but by the hour or under a system of piecework, a reduction of hours would, in these cases, be directly equivalent to a reduction of wages.

(c) That the abolition of "overtime," which is usually paid at a higher rate, would mean a considerable reduction in the wages of many workers, especially affecting the best and most skilled.

39.—That, if a reduction of hours involved a proportionate reduction of wages, and the present amount of wages were merely to be spread over a larger number of persons, the workers, as a whole, would be worse off than before. There would be a larger number working at starvation wages; and a general lowering of the standard of living of the working classes.

40.—That the assumption on which the proposal for a

legal limitation of hours is founded, is that the individual wages would remain the same as before, or be but very slightly reduced; and that a larger number of persons would be employed, thus considerably increasing the total wages paid.

41.—That, if wages are not to be proportionately diminished, and if a greater number of persons are to be employed, the output must be proportionately enlarged, or else the cost of production would be largely increased.

42.—(a) That it is impossible that the output could be increased proportionately to the increased cost. In certain arduous, unhealthy, or trying industries, the productive power of labour is doubtless not diminished and may be even increased by the shortening of hours; but this profitable point has already, for the most part or altogether, been reached; there is little scope for a further economical reduction of hours.

(b) That, if it were true, that shortened hours of labour were not inconsistent with, or would even bring about increased production, such a result would speedily be attained by mutual agreement.

(c) That many industries are of such a nature, or the sub-division of labour in them has been carried so far, that long hours of labour do not seriously affect the efficiency of the worker.

(d) That, in the past, much of the cost resulting from the gradual reduction of hours and increase of wages, has been met by improvement in machinery, better organisation, greater sub-division of labour, greater combination of capital, etc. These reforms have been carried to such perfection that there is little scope for further economy in that direction.

43.—(a) That the probabilities are that there would be an actual diminution of output. A system of shifts is only

possible in a few industries ; and, even where possible, it is not desirable, involving as it does unnatural hours of labour.

(*b*) That, where shifts were not or could not be worked, it would seldom or ever be possible to maintain the present hours of work in a particular industry, by the employment of additional labour to complete the normal time in excess of the legal limit for individuals. The hours of work would have to be reduced to the legal limit all round, involving considerable additional expense in working.

44.—That, even if there were an increased output, profits could not be maintained. Neither at home nor abroad can the demand for goods be arbitrarily stimulated. A largely increased demand could only follow (though it would not necessarily do so) on a substantial reduction of prices ; and a reduction of prices would deprive the capitalist of the profit it was necessary for him to receive on his whole output, in order to compensate him for his heavier labour bill.

45.—That thus, in every way, the cost of production would be greatly increased.

46.—That the increase in the cost of production, besides injuring the foreign trade of the country, would raise the price of all articles of consumption at home. Thus, the purchasing power of income and of wages would be reduced, consumption would be checked, and the demand for goods diminished ; a lessened demand for labour would ensue, and would be followed by a fall in wages.

47.—(*a*) That if production were diminished, there would be fewer, not more, openings for the “unemployed.”

(*b*) That if production remained the same, the employment of the unemployed would imply, either the division amongst them of a portion of the present wage fund, or an increase in the cost of production, consequent on an increase in the total amount of wages paid.

(*c*) That room for the unemployed could only be found

by increasing production. An increase of production, side by side with the limitation of the hours of the individual, would involve a considerable increase in the cost of production, and it would not therefore be profitable.

48.—(a) That a forced limitation of hours would tend to the invention and adoption of still more efficient labour-saving machines; and thus, in the end, less, not more, labour would be employed.

(b) That a limitation of hours would tempt, or even oblige, many persons to do home work of different sorts, for which other persons have been hitherto employed and paid. Thus the numbers of the unemployed would be increased, not diminished.

49.—That, in any case, there would be but little opening for the “unemployed.” So far as these are workers at all, they consist mostly of unskilled labourers; whereas it is in the skilled industries especially that a limitation of hours would tend to increase the demand for labour.

50.—That, with hours limited by law, it would be necessary, in time of emergency or pressure, partly to employ outsiders; these men would be unaccustomed to the work, and in many industries their sudden introduction would be both difficult and dangerous.

51.—(a) That limitation of hours, by the employment of a larger number of persons, would tend enormously to increase production in times of activity; and the necessary dismissal of these persons in bad times would greatly intensify the depression and distress. Instead of trade being steadied, fluctuations would be increased.

(b) That a mere reduction of hours would not tend to regularise output; while it would constantly prevent urgent orders from being accepted or executed.

52.—That pressure of work at certain periods of the year would involve, with limited hours, the influx of additional

population into certain centres at the busy times. When the slack period came, these families would have again either to migrate, or to be maintained from the rates. In either case, distress and destitution would ensue.

53.—(a) That all questions of hours should be left to be settled by voluntary effort and private arrangement. Thus, alone, can proper elasticity of working be assured, labour obtain its proper reward, capital its fair profit, and trade continue in its natural course. Thus, alone, will the advantages arising from shortened hours be secured, and the evils arising from an artificial system be avoided.

(b) That there is all the difference in the world between the economic effect of a change in the relations of labour and capital brought about by voluntary agreement, and that brought about by legislation.

(c) That, in the former case, if experience showed that the action taken was injurious, the step could be easily retraced. To repeal an Act is always difficult; and while commercially necessary, it might be politically impossible.

54.—That, when trade is exceptionally brisk or exceptionally depressed, the hours of labour require to be modified by, and adapted to, the varying conditions of trade—in some cases almost day by day.

55.—That the reduction of hours obtained by the efforts of Trade Unions would not be in jeopardy at times of depression. Output is then, as a rule, restricted, not increased, and short time, not overtime, is worked. The shorter hours would be more in jeopardy in times when trade was good and wages high; and a legal limitation of hours then would prevent the working classes from reaping a rich and legitimate harvest.

56.—(a) That all impediments in the way of the combination of labour have been removed. The working classes, by means of their Trades Unions, have already

done much to improve the conditions of labour. Trades Unions are rapidly increasing in numbers and in influence, and the question of a reduction of hours of labour is best left in their hands to be obtained by negotiation with the employers.

(b) That it does not follow, because Trades Unions have not still further succeeded in reducing the hours of labour, that they cannot do so. The workers appreciate that, without disturbance and injury to trade, a reduction of hours can only take place gradually, and cannot with advantage proceed beyond a certain point.

57.—(a) That the danger of an universal strike is mythical. That, at the worst, an universal strike would be a lesser evil than an ubiquitous inspector.

(b) That, the tendency of the time is towards a settlement of disputes between labour and capital by peaceful means rather than by industrial warfare.

58.—That strikes and lockouts would not be averted. The wages question would become still more acute if the hours were fixed by law—and most strikes are due to questions concerning wages.

59.—(a) That Trades Unions are of great advantage to the workmen and to the cause of labour generally, and anything that would tend to weaken their position, extension, and influence, would be very disadvantageous.

(b) That the passing of a law limiting hours, would, by removing one of the principal incentives to their formation and support, and by making the working classes less self-reliant, and more dependent on the State, do much to weaken the desire for, and the efficiency of Trades Unions.

(c) That where Trades Unions are strong, it has been in spite, not in consequence of legislative interference with trade; their strength is due to increased education and

intelligence, improved earnings, shorter hours, industrial freedom, and political power.

60.—(By some.) That the maximum tends to become a minimum, and it would be unfair to the working men—miners for instance—who had already, by their own exertions, obtained a reduction of hours below eight, to enact an eight hours day.

61.—(a) That to admit the right of Parliament to reduce the hours of labour, would be to admit its right to increase them.

(b) (By some.) That it would establish the right of Parliament to interfere with the ordinary relations between employer and employed.

62.—That if the State interfered to curtail the hours of labour, an irresistible demand would be advanced by the employer and the capitalist for protection against his foreign rivals.

63.—(a) That the eight hours day in Australia, where alone it prevails, is founded on custom, not on law.

(b) That, even there, "overtime" to a large extent prevails.

(c) That the conditions under which an eight hours day is worked are wholly different to those existing in England. Labour is not abundant, protection for the most part prevails, trade and competition, especially foreign competition, are limited.

(d) That, even in Australia, the problem of the "unemployed" has in no way been solved by the introduction of an eight hours day.

64.—That in those Continental countries where attempts have been made to limit the hours of labour, the hours allowed by law are very long;\* while the Executive has the

\* France 12 hours, Switzerland 11 hours, Austria 12 hours.

power, which is freely exercised, of allowing a prolongation even of these hours.

65.—That while laws to limit hours have been adopted in some of the States of the United States of America, they are either a dead letter, or are evaded and rendered nugatory by unlimited "overtime."

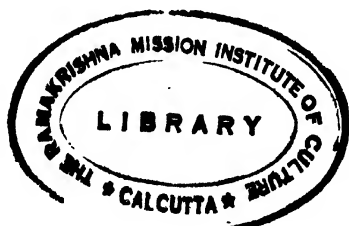
66.—That the principle of an eight hours day once conceded, a demand would immediately spring up to reduce the working day by legislation to seven, six, or even a lesser number of hours.

67.—(By some.) That it is a socialistic idea, and on that ground should be resisted.

68.—That any reduction of hours of labour is not a panacea; but, at the best, a palliative. The real problem to be faced is the problem of over-population.

69.—(By some.) That at least the legal limitation of hours should be tried experimentally in the case of Government factories. The Government ought to set a good example as employer of labour; while, if the system be proved to be unworkable or disadvantageous, the step could be retraced, and no economic injury would have been done; if successful, the experience gained would be of great value, and the principle could be gradually applied to other trades and industries.

70.—(By others.) That it is not the business of the State, at the expense of the taxpayer, to try experiments as an employer; or to pay more than the market rate for labour.



### “TRADE OPTION.”

The principle involved in so-called “Trade Option,” as applied to the question of a legal limitation of hours, is, that those employed in a particular trade, both workmen and employers, should be enabled, if they so desired, to call in the aid of the law to fix the maximum working day or week.

Some propose, that the legal limitation should be enforced in all manual trades and occupations, save where a majority of those engaged in that trade or occupation dissent by vote against the same. This may be called “Trade Exemption.”

Others propose, that the law limiting the hours should come into operation only with the express assent by vote of a large (a two-thirds) majority of those engaged in the particular trade or occupation. This may be designated “Trade Option.”

As regards the principle of Trade Exemption, it is supported, practically, on the grounds already given in favour of a legal limitation of hours; with the additional argument, that it would enable a particular trade, if it so desired, to contract itself out of the Act. On the other hand, the arguments already given against any legal limitation of hours, apply almost equally against this proposal; and it is further argued, that, as such a law could take no account of the varying conditions of different trades, for, by implication, a uniform fixed limit of hours would be necessitated, it would involve all the disadvantages of a “universal eight hours law”; that it would be forced on those who had not asked for it; and, in the absence of organisation, a particular trade might, however desirous, be unable to obtain

exemption ; it would not encourage Trade Union effort ; it would cause dislocation and disturbance in every trade, whether ultimately affected or no ; and, in the end, would practically become a dead letter.

The principle of Trade Option is supported, not only on the general grounds urged in favour of a legal limitation of hours, but also on the further grounds :—

1.—That it is a moderate and middle course between leaving everything to voluntary effort, and the introduction of a universal limitation law.

2.—(a) That it would involve the smallest amount of legislative interference compatible with the object in view.

(b) That it would be on the lines of least resistance ; would be extremely elastic, and would cause a minimum of disturbance and friction ; while the experience gained in each particular case, would enable other trades to decide whether they would or would not be wise to resort to the law themselves.

3.—(a) That, in the matter of statutory interference with hours, each trade must be dealt with separately. It is inexpedient and impossible to apply a uniform and arbitrary standard of hours to different trades, working under varying conditions.

(b) That, by a system of Trade Option, the varying circumstances of differing trades would be separately met ; and the needful elasticity of working would be obtained.

4.—(a) That there is no particular virtue in "eight hours," or in any other fixed number of hours. Trade Option would, of necessity, imply, not only Trade Option in the question of whether or no there should be legislative interference at all, but also Trade Option in the question of the actual number of hours to be fixed.

(b) That thus the legal reduction of hours in each trade would, under the system proposed, be not an arbitrary reduction, but that best adapted to the peculiar circumstances of the particular trade.

5.—That, while most trades are ripe for some reduction of

hours, few are in a position to stand, without injury, a great and immediate reduction.

6.—(a) That under the system of Trade Option proposed, the reduction of hours could and would take place gradually, step by step ; no great or disturbing reduction would be enforced at any particular moment.

(b) That each reduction effected would be secured by law ; and would thus form a firm foothold from which, after an interval, a further step could be taken at a practicable and convenient time.

7.—That it is not just, that because some trades do not desire legal interference, or because a legal limitation of hours would be in their case disadvantageous or difficult of application, that other trades, desiring it, and believing its application to be possible and advantageous, should be debarred from appealing to the law.

8.—(a) That no legal limitation of hours would be forced on any trade against its will. If the workers desired, or felt obliged, to retain and maintain the existing hours of work, or preferred the elasticity of voluntary arrangement, the law would not interfere with them.

(b) That where, however, the large majority in a particular trade desired to invoke the aid of the law, they would be able to do so.

(c) That by this means the whole of a trade would be protected from the coercion of a small minority ; or even against themselves.\*

9.—(a) That the chief difficulty in shortening the hours of labour by law, is the difficulty of dealing with any large minority in the trade ; who would either have to be coerced, or who would evade the law and render it nugatory.

(b) That, under a system of Trade Option, the law would not be applied except after the deliberate declaration of a large majority in its favour. That there would thus be neither coercion, except, at the worst, of a very few ; nor evasion, for the vast bulk of the workers would favour the law.

(c) That there would thus be no fear of the law becoming a dead letter where it was applied.

\* See Nos. 9, 10, 11, pp. 381, 382.

10.—(a) That the fear of disturbance, dislocation, or injury to a particular trade or industry need not be entertained.

(b) That no legal limitation of hours would be enforced, except after prolonged discussion, adequate inquiry, and after negotiation and probably agreement between employer and employed.

(c) That the opponents of the proposed limitation would have ample opportunity to show, if they could, that the proposal, if adopted, would unduly increase the cost of production, aggravate foreign competition, or in any respect injure or cripple the particular trade or industry.

11.—(a) That the question of whether, and how far, the shortening of the hours would necessitate a reduction of wages, would be fully discussed, and properly considered in the decision arrived at.

(b) That the relative bearing of the question on piece work and on day work respectively would be duly considered.

12.—That, as the reduction of hours would almost certainly be enforced step by step, no great reduction taking place at any one moment, and that only after ample notice, there would be plenty of time and opportunity for each trade to adapt itself to the changed economic conditions.

13.—That the system would probably be first and experimentally applied to industries such as railways, tramways, etc., in which the hours of work are very long, and in which the question of injury to trade, etc., would not arise.

14.—That the step taken could always be retraced ; the law, if found unworkable in a particular trade or industry, would cease to apply.

15.—That Trade Option would probably take effect chiefly in those industries — railways, tramways, etc., in which reduced hours would necessarily mean increased employment ; and so would lead to the absorption of many of the unemployed.

16.—That it would tend to encourage not to discourage voluntary effort ; Trade Option pre-supposes voluntary effort, to be supplemented only by legal enactment.

17.—That it would not discourage, but would greatly stimulate, Trade Union effort. All those *bona fide* engaged in the trade would be entitled to a voice in the settlement of the question ; but it would be the organised labour that would primarily move in the matter,

either for or against the application of the law ; and thus it would be to the interest of non-unionists to join the Union, and of the Trades Unionists, even more than now, to recruit their numbers and increase their influence.

18.—That, thus, without the necessity of strikes, with the minimum of friction between capital and labour, the working classes would have a goal before them which they could reach by peaceful and legitimate means.

19.—That the indirect—as well as the direct—effects of the adoption of the principle of Trade Option would be very great. The importance of the declaration of Parliament that the present hours of labour were as a rule too long, and ought to be reduced, would be enormous. Public opinion would be strengthened on the subject ; and the sense of responsibility in the employer would be stimulated. Thus, in many trades, reduction of hours would voluntarily be granted on the passing of the law, which would not otherwise have taken place.

20.—That there would be little difficulty—the principle once accepted—of deciding who should constitute the electorate, how the voters should be registered, and the method of giving expression to the will of the majority of those engaged in the trade or industry.

On the other hand, in addition to the general arguments already given, it is argued :—

1.—That the evil effects to trade and industry would be equally great and inevitable, whether a legal limitation of hours were introduced by means of Trade Option or of a “universal eight hours day.”

2.—(a) (By some.) That Trade Option contains all the evils of legislative interference and would produce none of the good.

(b) (By others.) That the system of Trade Option would never be enforced ; and would “simply damn the whole thing.” That a prohibitory, not a permissive Bill, is the only means by which the long hours of work can be effectively reduced.

3.—That Trade Option would be absurdly unjust as between trade and trade. The only Trades in which it could be possibly enforced, would be those strongly organised ; and these are just

the trades in which the hours are already the shortest, and in which legislative interference is least required.

4.—That in the particular trade itself, Trade Option would work unequally and unjustly. In one district, the workers in a trade might be organised, educated, ripe for, and desirous of the application of the law; in another district, they might be unfit for and not desirous of shorter hours. The former would either have to wait indefinitely for the improvement in their condition, or the latter would have to be coerced into an operation that would be disadvantageous to them.\*

5.—(a) That no practicable means exist, or could be discovered, of ascertaining the real views of a majority in a trade, on the subject of legislative interference.

(b) That the workers in a trade are not a fixed quantity; a man may be working at one trade to-day and at another to-morrow.

6.—That the length of hours worked in one branch of a trade, are often governed by the number of hours worked by the men employed in another and distinct branch of the trade; yet, under a system of Trade Option, the former might be altogether debarred from any voice in deciding the number of hours they should work.

7.—(a) That Trade Option would tend to increase the power and influence of agitators and Trades Unionists; a power and influence that would be used by them for their own selfish ends.

(b) That the Trades Unionists do not dispute the fact that they desire to arrogate to themselves all initiative and power in the matter.†

\* To meet this difficulty, some propose "Local Option" as well as "Trade Option" in the matter of legislative interference.

† See Report of Proceedings of the Newcastle Trades Union Congress, 1891.

## AN EIGHT HOURS LAW FOR MINERS.\*

The Eight Hours Bill for Miners † is also specifically supported on the grounds :—

1.—That miners work under exceptionally unfavourable conditions, and coal-mining forms a class of work apart by itself.‡

2.—(a) That eight hours of such arduous, disagreeable, perilous, and unhealthy work as that of coal-mining underground is quite enough, if not too much, for any man.

(b) That the miners have to work in a close and unhealthy atmosphere without natural light or pure air.

(c) That the sickness and mortality among miners is higher than that in other trades.

(d) That the bulk of the accidents in mines occur in the latter part of the day. Shorter hours would be conducive to health and safety.

3.—(a) That though in a considerable number of cases the miners work less, the bulk of them work more than eight hours a day; § and the average time away from home is longer than in any other organized industry in the kingdom.

\* See, in addition, most of the arguments already given on the question of a general Eight Hours Bill, which, mostly, will not be repeated.

† The Bill (introduced by Mr. William Abraham, and “backed” by Messrs. Pickard, Randall, Cremer, etc.) contains two operative clauses only, as follows :—

2. A person shall not in any one day of twenty-four hours, be employed underground in any mine for a period exceeding eight hours, from the time of his leaving the surface of the ground to the time of his ascent thereto, except in case of accident.

3. Any employer, or the agent of any employer, employing or permitting to be employed any person in contravention of this enactment, shall be liable to a penalty not exceeding *forty shillings* for each offence, to be recovered in the same manner in which any penalty under the Acts relating to factories and workshops is recoverable.

‡ There are some 600,000 men and boys working in connection with mines in the United Kingdom, with some 3,000,000 persons dependent on them.

§ An elaborate Parliamentary Return (No. 284 of 1890) gives the number

(b) That the short day is only enjoyed by some of the workers underground—by the hewers, not by the drawers.\*

4.—That the miners desire, and are entitled to demand and obtain, greater leisure.

5.—That most of the arguments effective against a general Eight Hours Law, are entirely beside the mark in regard to miners; the bulk of them already work on the average but little more than eight hours a day.†

6. That as a very large proportion of miners already work but little more than eight hours, and many of them less, a legal limitation of hours would in their case involve the minimum of disturbance.

7.—(a) That the principle of legislative interference with the working of mines is already admitted, inasmuch as the mining industry is regulated in every detail. To extend these regulations so as to include the question of hours, would be to carry interference but one step further.

(b) That the Coal Mines Regulation Acts, limiting the hours of boys, has limited also the hours of the hewers who depend on the boys.

of hours and days worked by all classes of workers employed in mines, stated by counties and groups of counties. The return cannot be properly analysed in a short note. Taking the number of hours worked at the face in coal-mines, it appears that the longest average number of hours per day actually worked is 8·40 in Leicestershire, and the shortest 5·66 in Durham. The average number of hours per day from bank to bank are respectively 9·58 and 7·23, and this on 4·87 days per week in the former case, and 5·46 in the latter.

An interesting return issued by the Miners' Federation (November 1890) gives particulars of 679 collieries, with the following results, as obtained by the check-weighers and lodge-secretaries:—

Colliers' hours at face . . . . .	8 h. 25½ m.	*
Boys' " " . . . . .	8 h. 48 m.	
Labourers' " " . . . . .	8 h. 49 m.	

In addition, the average time spent in travelling underground was 39 minutes. On these figures the net average reduction in the length of the working day, if the Eight Hours Bill for Miners became law, would be 65 minutes, or 12½ per cent.

\* A boy of sixteen may be working underground some hours per day longer than his father in the same mine.

† See note to 3 (a).

8.—That mines can with facility be inspected and supervised ; regulations affecting them can therefore be easily and effectively carried out.

9.—(a) That the reduction of output (if any) would be very slight, seeing that the average hours of work are in fact already but little over eight.

(b) That there would be no difference in the effect on the output or on the price, whether an eight hours day were obtained by legislation or by the actions of Trades Unions ; yet it is almost universally admitted that an eight hours day obtained by voluntary means would be advantageous.

10.—(a) That in the last forty years, there has been a very great reduction in the hours of miners ; yet the output has increased from 64 million tons in 1854, to 175 million tons in 1889.\*

(b) That the hours worked per man is only one of the elements affecting output.

(c) That any tendency to reduction of output effected by legislation, would be more or less counteracted by other natural forces tending to increase output.

(d) That the output of existing mines could be much developed, and new mines could be opened.

11.—That the legal checks which from time to time have been placed on the free working in mines, have but led to economies of working, and have not increased the cost of production.

12.—(a) That improvement in "winding" machinery, etc., would meet any reduction in the time available for winding.†

(b) That, as a matter of fact, in many collieries the men are raised and lowered down separate shafts.

13.—(a) That the output depends largely on the efficiency of the miner ; and with shorter and fixed hours he could and would increase his individual output. He would be healthier and stronger, would work harder, and more regularly.

\* See for the probable effect of an eight hours day on the production of coal and the wages of miners, a very interesting and elaborate article by Prof. J. E. C. Munro in the *Economic Journal* for June 1891.

† The "eight hours day," moreover, it is generally admitted, would count, not from the moment that the first man went down, but for each man individually, from the time he went down.

(b) That, with a re-arrangement of hours waste of time would be avoided, most of the time now lost over meals could be saved ; and the saving thus effected, would in many cases more than compensate for the nominal reduction of hours.

(c) That the short-time miners turn out the most coal per man.\*

14.—That, thus, neither the output produced, nor the wages earned, would in the end be affected.

15.—(By some.) That our supplies of coal are limited, and anything that would tend to limit output, while at the same time improving the condition of the miners, would be advantageous.

16.—That experience has already shown that coal-mining would not cease to be profitable under an eight hours day.

17.—That the supposed difficulties of organising the work above ground and below ground, if a legal limitation of hours were applied to those working underground, would disappear if the law were passed. The work would be so arranged (as is already the case in many mines) that the different classes of labour could be fairly and fully employed.

18.—That practically coercion would be necessary in the case of very few of the owners ; they would, for the most part, gladly fall in with the limitation, if their competitors were equally affected.

19.—(a) That, with the exception of those of Durham and Northumberland, the miners of Great Britain are practically unanimous in favour of a legislative eight hours day.

(b) That, knowing the conditions under which it is worked, they believe that the mining industry could be everywhere practically and profitably carried on under an eight hours system.

(c) (By some.) That the opposition of the Durham and Northumberland miners is a selfish opposition ; while the miners themselves work considerably less than eight hours a day, the boys and youths have to work from ten to ten and a half hours.

20.—(a) That though the miners' Trades Unions are powerful, they have not been successful in obtaining an eight hours day.

\* For instance, in Lancashire, where the men working nine and a half hours, the output is 357 tons per worker per annum ; in Yorkshire, with eight hours, the output is 350 tons ; in Durham and Northumberland, with seven and a quarter hours, the output is 420 tons. (Report, Inspector of Mines.)

(b) That the short hours, where they prevail, have not been done through Trades Union action, but have been voluntarily instituted by the employers, in order to carry out a system of double shifts, to limit the area of working, and to lessen the cost of production.

21.—That the only way, other than by Parliamentary interference, in which miners can obtain a universal eight hours day, is by a universal strike. Such a strike is already threatened, and would mean the serious dislocation of every industry and trade in the kingdom. Peaceful legislation would be more expedient and more effective than such industrial warfare.

22.—That the liberty of the minority, who desire to work longer hours, is interfered with just as effectually whether the proposed, and generally agreed essential, reduction of hours takes place by legislation or by the pressure of the Trades Unions.

23.—That, even during the last fifty years, the miners have been more and more protected, and their work regulated; yet they are certainly not less independent and self-reliant than any other workers; and their Trades Unions have ever increased and flourished. The legal enactment of an eight hours day would not weaken, but would strengthen these Trades Unions.\*

24.—(a) That the legal enactment of a maximum number of hours of labour, could not conceivably lead to its adoption also as a minimum where already a lesser number of hours were worked. The tendency would, on the contrary, be still further to reduce the hours all round.

(b) That the shorter hours worked in certain mines have not prevented their successful competition with other mines. If the working day elsewhere were compulsorily limited, the reduction of hours in these mines could be carried still further.

25.—(By some.) That the peculiar position of the mining industry, and the fact that a legislative restriction of hours could be there applied with the minimum of disturbance, makes it a suitable subject for an experiment, with a view to seeing whether the principle of legislative interference with the hours of adult male labour could be safely and satisfactorily introduced.

\* See Nos. 72 and 73, pp. 398, 399.

On the other hand, it is contended :—

1.—(a) That, already, the miners actually work on the average but little over eight hours a day ; while very many work less than eight hours ; and their hours compare favourably with those worked in other trades.

(b) That if it be inexpedient to put in motion the vast machinery of compulsory legislation for the benefit of those working long hours, still less should it be invoked for the sake of a reduction of but a few minutes of labour a day in a particular industry.

2.—That, now-a-days, mining work is done under healthy conditions, and in a well-ventilated atmosphere.

3.—That the greater number of accidents occur during the earlier hours of work ; proving that they are not due to fatigue of body, but to other causes, mostly entirely beyond the control of the miners.\*

4.—(a) That the miners have already, by voluntary effort, enormously reduced their hours of labour. Reduced them almost to, in some cases below, the limit suggested ; the further reduction required would be best effected by their Trades Unions.

(b) That the miners' Trade Unions are the most powerful in the kingdom, and if they can show that a universal reduction of hours to eight, in all mines, would benefit the workers, and not seriously injure the owners, they can obtain further reduction by the pressure of their Associations.

5.—(a) That mines vary enormously in ease of working, depth of shaft, proximity of coal to shaft, thickness of seam ; in unhealthiness, danger, heat, etc., and no cast-iron rule of hours could be universally applied.

(b) That in one mine the miner will have, in his hours of working, to timber and build up his stalls ; in another, these precautions are not necessary.

(c) That, in the individual mine, the work of some men is easier than that of others, while some are employed much nearer the pit-shaft than others ; an Eight Hours Law reckoned from bank to bank, and applied equally to all underground work, would act most unequally and unjustly.

\* See Return of Accidents in Mines, 1890, and Report of Inspectors.

6.—That, under the Mines Regulation Acts, a miner must make his working place safe before he leaves it, and the coal must not be so left that it impedes the air course. If this necessary work is included within the legal limit, the operation of the law will fall very unequally on different workers ; if not, there would be great opportunity and temptation for evasion of the law.

7.—(a) That the deeper mines, and those more difficult and expensive to work, can only be profitably worked by the employment of the men for a longer period than in the case of mines more favourably circumstanced.

(b) That the inland coalfields compete at a disadvantage with those on the sea-board.

(c) That the short-time mines are, as a rule, those most easily worked.

(d) That an Eight Hours Law would still further handicap those mines that are already at a disadvantage.

8.—That limitation of hours would lead to undue, and therefore dangerous, haste in working.

9.—(a) That the term “miners” does not cover nearly the whole of those employed. Besides the hewers, there are many other workers employed below ground, and many others above ground, whose daily task and wage is dependent on the output of the hewers. All of these would be seriously and adversely affected by any limitation of the hours of the hewers.

(b) That in consequence of the diversity and inter-dependence of the work, the same number of hours cannot be worked by all the different classes of labour employed in mines. A limitation of eight hours, for instance, in the case of the drawers who work underground, would involve a lesser number of hours than eight on the part of the hewers. It would be impossible, under an Eight Hours Law, so to organise the work of the mine that each class of labour above and below ground should be fully and fairly employed.

10.—That if each person employed underground is to be drawn out within eight hours of the time he goes down, the period appropriated to winding the coal will be greatly curtailed ; involving a great reduction in output.

11.—(a) That, in practice, the difficulties of introducing a system of additional shifts would be enormous. The cost, also,

would be very great ; more men would be required to do a given quantity of work. The system of shifts is in itself undesirable, as involving night work.

(*b*) That, in some places (especially in Durham and Northumberland), the short hours worked by the miners are simply due to the existence of shifts ; introduced in order to enable two shifts of hewers to work to one shift of drawers and overhead workers. If shifts were forbidden, or if these men were expected to work longer hours, thousands of men and boys would be thrown out of work.

(*c*) That the double or treble shift is often worked in mines, in which there is not sufficient pit room for more men ; the abolition of shifts would therefore greatly reduce the output.

12.—That, in consequence of a temporary and accidental falling-off in the demand, collieries are often for days together laid idle. The best coal cannot, without deterioration, be worked and stacked in contemplation of a demand ; and under a legal limitation of hours, neither owners nor men would be able to make up a temporary deficiency of output or loss of wages caused by enforced idleness.

13.—That, at present, the deficiency of one day is made up on another. This would be impossible under an eight hours law ; the individual miner would suffer, and the output would be reduced.

14.—(*a*) That a system of piece-work generally prevails in mines ; and thus, under a legal limitation of hours, the men, being forced to work a shorter time, would be able to earn less wages.

(*b*) That in any case a limitation of hours would lead to a reduction of wages.

15.—(*a*) That either the miners working shorter hours would produce less coal, and so increase the cost of production ; or it would be necessary to introduce a system of increased shifts, and to bring in additional workers.

(*b*) That, in the former case, the public would suffer by an increase in the price of coal ; in the latter, the miners themselves, especially in times of depression, would suffer from the great overstocking of the labour market that would ensue.

16.—That the mine-owners, having to pay the same or larger

fixed charges on a smaller output, would have their profits greatly curtailed or altogether destroyed, and many mines would be closed.

17.—(a) That the public at large, and the working classes especially, would suffer greatly from the rise that would take place in the price of coal, caused by the restriction of the output, or the increased cost of working.

(b) That coal and coal mining lie at the heart and root of our commercial and industrial supremacy; and the trade and commerce of the country—especially the iron trade, already seriously depressed—would suffer severely from the general increase that would ensue in the cost of production through any restriction of output.

18.—That the competition with Continental and American coal-fields is becoming year by year more severe; and the maintenance of our supremacy in foreign markets is essential for our national existence.

19.—That an eight hours maximum would tend to become an eight hours minimum; and the hours of those miners who now work less than eight hours a day would tend to increase.

20.—That very many miners are opposed to legislative interference in the matter of hours, and it would be unjust to coerce them.

21.—That the reduction of hours that has taken place in the case of miners has been due to a desire to limit output and to raise prices, and not from a desire to reduce the hours of work.

22.—That legislative interference in the matter of hours, would destroy the miners' Trades Unions, by depriving them of their reason for existence and their incentive to action.\*

23.—That the principle of legislative interference with the hours of work of adult male labour once admitted in the case of miners would be extended and applied elsewhere.

\* See No 59, p. 415.

## PRIME MINISTERS SINCE 1783.

DATE.	PRIME MINISTER.
Dec., 1783 . . . . .	WILLIAM PITT.
March, 1801 . . . . .	HENRY ADDINGTON (LORD SIDMOUTH).
May, 1804 . . . . .	WILLIAM PITT.
Feb., 1806 . . . . .	LORD GRENVILLE.
March, 1807 . . . . .	DUKE OF PORTLAND.
Nov. } 1809 . . . . .	SPENCER PERCIVAL.
Dec. }	
May, } 1812 . . . . .	EARL OF LIVERPOOL.
June, }	
April, 1827 . . . . .	GEORGE CANNING.
Aug., 1827 . . . . .	VISCOUNT GODERICH (EARL OF RIPON).
Jan., 1828 . . . . .	DUKE OF WELLINGTON.
Nov., 1830 . . . . .	EARL GREY.
May, 1832 . . . . .	
July, 1834 . . . . .	VISCOUNT MELBOURNE.
Dec., 1834 . . . . .	SIR ROBERT PEEL.
April, 1835 . . . . .	VISCOUNT MELBOURNE.
Aug., 1839 . . . . .	" "
Aug. } 1841 . . . . .	SIR ROBERT PEEL.
Sep. }	
July, 1846 . . . . .	LORD JOHN RUSSELL (EARL RUSSELL).
March, 1851 . . . . .	" "
Feb., 1852 . . . . .	EARL OF DERBY.
Dec., 1852 . . . . .	EARL OF ABERDEEN.
March, 1855 . . . . .	VISCOUNT PALMERSTON.
Oct., 1865 . . . . .	EARL RUSSELL.
July, 1866 . . . . .	EARL OF DERBY.
Feb., 1868 . . . . .	B. DISRAELI.
Dec., 1868 . . . . .	W. E. GLADSTONE
Aug., 1873 . . . . .	" "
Feb., 1874 . . . . .	B. DISRAELI (EARL OF BEACONSFIELD)
April, 1880 . . . . .	W. E. GLADSTONE.
July, 1885 . . . . .	MARQUIS OF SALISBURY.
Jan., 1886 . . . . .	W. E. GLADSTONE.
July, 1886 . . . . .	MARQUIS OF SALISBURY.
Aug., 1892 . . . . .	W. E. GLADSTONE.

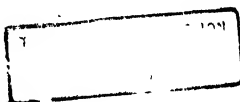


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